
HOUSE BILL 2718

State of Washington 54th Legislature 1996 Regular Session

By Representatives Smith, Campbell, Koster, Sherstad and Elliot

Read first time 01/17/96. Referred to Committee on Corrections.

1 AN ACT Relating to the inmate work program; and amending RCW
2 72.09.100.

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

4 **Sec. 1.** RCW 72.09.100 and 1995 1st sp.s. c 19 s 33 are each
5 amended to read as follows:

6 It is the intent of the legislature to vest in the department the
7 power to provide for a comprehensive inmate work program and to remove
8 statutory and other restrictions which have limited work programs in
9 the past. For purposes of establishing such a comprehensive program,
10 the legislature recommends that the department consider adopting any or
11 all, or any variation of, the following classes of work programs:

12 (1) CLASS I: FREE VENTURE INDUSTRIES. The employer model
13 industries in this class shall be operated and managed in total or in
14 part by any profit or nonprofit organization pursuant to an agreement
15 between the organization and the department. The organization shall
16 produce goods or services for sale to both the public and private
17 sector.

18 The customer model industries in this class shall be operated and
19 managed by the department to provide Washington state manufacturers or

1 businesses with products or services currently produced or provided by
2 out-of-state or foreign suppliers. The correctional industries board
3 of directors shall review these proposed industries before the
4 department contracts to provide such products or services. The review
5 shall include an analysis of the potential impact of the proposed
6 products and services on the Washington state business community and
7 labor market.

8 The department of corrections shall supply appropriate security and
9 custody services without charge to the participating firms.

10 Inmates who work in free venture industries shall do so at their
11 own choice. They shall be paid a wage comparable to the wage paid for
12 work of a similar nature in the locality in which the industry is
13 located, as determined by the director of correctional industries. If
14 the director cannot reasonably determine the comparable wage, then the
15 pay shall not be less than the federal minimum wage.

16 An inmate who is employed in the class I program of correctional
17 industries shall not be eligible for unemployment compensation benefits
18 pursuant to any of the provisions of Title 50 RCW until released on
19 parole or discharged.

20 (2) CLASS II: TAX REDUCTION INDUSTRIES. Industries in this class
21 shall be state-owned and operated enterprises designed to reduce the
22 costs for goods and services for tax-supported agencies and for
23 nonprofit organizations. The industries selected for development
24 within this class shall, as much as possible, match the available pool
25 of inmate work skills and aptitudes with the work opportunities in the
26 free community. The industries shall be closely patterned after
27 private sector industries but with the objective of reducing public
28 support costs rather than making a profit. The products and services
29 of this industry, including purchased products and services necessary
30 for a complete product line, may be sold to public agencies, to
31 nonprofit organizations, and to private contractors when the goods
32 purchased will be ultimately used by a public agency or a nonprofit
33 organization. Clothing manufactured by an industry in this class may
34 be donated to nonprofit organizations that provide clothing free of
35 charge to low-income persons. Correctional industries products and
36 services shall be reviewed by the correctional industries board of
37 directors before offering such products and services for sale to
38 private contractors. The board of directors shall conduct a yearly
39 marketing review of ~~((the products and services offered under this~~

1 ~~subsection))~~ all class II industries. Such review shall include an
2 analysis of the potential impact of the proposed products and services
3 on the Washington state business community. To avoid waste or spoilage
4 and consequent loss to the state, when there is no public sector market
5 for such goods, byproducts and surpluses of timber, agricultural, and
6 animal husbandry enterprises may be sold to private persons, at private
7 sale. Surplus byproducts and surpluses of timber, agricultural and
8 animal husbandry enterprises that cannot be sold to public agencies or
9 to private persons may be donated to nonprofit organizations. All
10 sales of surplus products shall be carried out in accordance with rules
11 prescribed by the secretary.

12 Security and custody services shall be provided without charge by
13 the department of corrections.

14 Inmates working in this class of industries shall do so at their
15 own choice and shall be paid for their work on a gratuity scale which
16 shall not exceed the wage paid for work of a similar nature in the
17 locality in which the industry is located and which is approved by the
18 director of correctional industries.

19 When correctional industries enters into a contract to provide a
20 product or service that is in competition with the private sector, as
21 determined by the correctional industries advisory board, the cost of
22 any product or service shall include an hourly labor cost that is the
23 same as the state minimum wage.

24 Subject to approval of the correctional industries board,
25 provisions of RCW 41.06.380 prohibiting contracting out work performed
26 by classified employees shall not apply to contracts with Washington
27 state businesses entered into by the department of corrections through
28 class II industries.

29 (3) CLASS III: INSTITUTIONAL SUPPORT INDUSTRIES. Industries in
30 this class shall be operated by the department of corrections. They
31 shall be designed and managed to accomplish the following objectives:

32 (a) Whenever possible, to provide basic work training and
33 experience so that the inmate will be able to qualify for better work
34 both within correctional industries and the free community. It is not
35 intended that an inmate's work within this class of industries should
36 be his or her final and total work experience as an inmate.

37 (b) Whenever possible, to provide forty hours of work or work
38 training per week.

1 (c) Whenever possible, to offset tax and other public support
2 costs.

3 Supervising, management, and custody staff shall be employees of
4 the department.

5 All able and eligible inmates who are assigned work and who are not
6 working in other classes of industries shall work in this class.

7 Except for inmates who work in work training programs, inmates in
8 this class shall be paid for their work in accordance with an inmate
9 gratuity scale. The scale shall be adopted by the secretary of
10 corrections.

11 (4) CLASS IV: COMMUNITY WORK INDUSTRIES. Industries in this class
12 shall be operated by the department of corrections. They shall be
13 designed and managed to provide services in the inmate's resident
14 community at a reduced cost. The services shall be provided to public
15 agencies, to persons who are poor or infirm, or to nonprofit
16 organizations.

17 Inmates in this program shall reside in facilities owned by,
18 contracted for, or licensed by the department of corrections. A unit
19 of local government shall provide work supervision services without
20 charge to the state and shall pay the inmate's wage.

21 The department of corrections shall reimburse participating units
22 of local government for liability and workers compensation insurance
23 costs.

24 Inmates who work in this class of industries shall do so at their
25 own choice and shall receive a gratuity which shall not exceed the wage
26 paid for work of a similar nature in the locality in which the industry
27 is located.

28 (5) CLASS V: COMMUNITY SERVICE PROGRAMS. Programs in this class
29 shall be subject to supervision by the department of corrections. The
30 purpose of this class of industries is to enable an inmate, placed on
31 community supervision, to work off all or part of a community service
32 order as ordered by the sentencing court.

33 Employment shall be in a community service program operated by the
34 state, local units of government, or a nonprofit agency.

35 To the extent that funds are specifically made available for such
36 purposes, the department of corrections shall reimburse nonprofit
37 agencies for workers compensation insurance costs.

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