

HOUSE BILL ANALYSIS

HB 2039

Title: An act relating to inmate fees.

Brief Description: Making an inmate liable for the costs of the incarceration.

Sponsors: Representatives Johnson, Ballasiotes, Bush, Koster, Sump, Clements, Mielke, Dunn, Hickel, D. Schmidt, McMorris, Mulliken, Benson, D. Sommers, Smith, Mitchell, Boldt, Sheahan, Pennington, Delvin, Talcott, Sheldon, Wensman, Schoesler and Honeyford.

HOUSE COMMITTEE ON CRIMINAL JUSTICE AND CORRECTIONS

Staff: Yvonne Walker (786-7841)

Background: The Department of Corrections is responsible for establishing deductions to be made from an inmate's wages to contribute to the cost of incarceration and the development of the Correctional Industries program. Inmates incarcerated in a state prison are subject to deductions ranging anywhere from 5 percent to 35 percent of their wages. Funds received by inmates from outside of the prison are also subject to the 35 percent deduction.

Municipalities and counties may also establish inmate fines and require reimbursement for the cost of incarceration from inmates with the means to pay. These fines can range up to a maximum of \$50 for offenders convicted of a misdemeanor or gross misdemeanor and sentenced to a local jail. All funds received by inmates for the cost of incarceration in a county or city jail must be remitted for criminal justice purposes to the county or city that is responsible for the offenders jail costs.

Article I section 17 of the Washington State Constitution prohibits imprisoning a person for failing to pay a debt, except in cases of absconding debtors.

Summary: Municipalities, counties and the state may require incarcerated offenders to pay a community restoration fee. The community restoration fee will be used to reimburse correctional institutions for the average daily cost of incarceration from inmates in their facilities.

Demand for payment, with a reasonable date set for restitution to be made, must be given to each inmate at the time of release from confinement. The demand for payment must be in writing from the appropriate authority that incurred the costs.

All community restoration payments must be made to the municipality, county, or state on the date specified, or suitable arrangements for payment must be made.

Failure to pay the amount demanded or failure to adhere to payment arrangements is a gross misdemeanor.

Note: Some technical corrections are recommended such as when demand for payment must actually be given to the inmate.

Require the Exercise of Rule- Making Powers: No

Fiscal Note: Requested on February 25, 1997.

Effective Date: This bill contains an emergency clause and takes effect immediately.