
SECOND SUBSTITUTE HOUSE BILL 1143

State of Washington

56th Legislature

1999 Regular Session

By House Committee on Appropriations (originally sponsored by Representatives O'Brien, Ballasiotes, Tokuda, Cairnes, Lovick, Kagi, Koster, Constantine, K. Schmidt, Kastama, Fisher, Quall, Kenney, Veloria, Eickmeyer, Kessler, Lantz, Ogden, Murray, Lambert, Dunn, Rockefeller and Conway)

Read first time 03/05/1999.

1 AN ACT Relating to deductions from inmate funds; and amending RCW
2 72.09.480 and 72.09.111.

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

4 **Sec. 1.** RCW 72.09.480 and 1998 c 261 s 2 are each amended to read
5 as follows:

6 (1) Unless the context clearly requires otherwise, the definitions
7 in this section apply to this section.

8 (a) "Cost of incarceration" means the cost of providing an inmate
9 with shelter, food, clothing, transportation, supervision, and other
10 services and supplies as may be necessary for the maintenance and
11 support of the inmate while in the custody of the department, based on
12 the average per inmate costs established by the department and the
13 office of financial management.

14 (b) "Minimum term of confinement" means the minimum amount of time
15 an inmate will be confined in the custody of the department,
16 considering the sentence imposed and adjusted for the total potential
17 earned early release time available to the inmate.

18 (2) When an inmate, except as provided in subsection (6) of this
19 section, receives any funds in addition to his or her wages or

1 gratuities, the additional funds shall be subject to (~~the deductions~~
2 ~~in RCW 72.09.111(1)(a) and the priorities established in chapter 72.11~~
3 ~~RCW~~): (a) Deductions of five percent to the public safety and
4 education account for the purpose of crime victims' compensation and
5 twenty percent to the department to be contributed to the cost of
6 incarceration for funds received each month totaling one hundred
7 dollars or less; and (b) deductions in RCW 72.09.111(1)(a) and the
8 priorities established in chapter 72.11 RCW for funds received each
9 month exceeding one hundred dollars.

10 (3) The amount deducted from an inmate's funds under subsection (2)
11 of this section shall not exceed the department's total cost of
12 incarceration for the inmate incurred during the inmate's minimum or
13 actual term of confinement, whichever is longer.

14 (4) The deductions required under subsection (2) of this section
15 shall not apply to funds received by the department on behalf of an
16 offender for payment of (~~one~~) fee-based education or vocational
17 (~~program that is~~) programs or related educational materials that are
18 associated with an inmate's work program or a placement decision made
19 by the department under RCW 72.09.460 to prepare an inmate for work
20 upon release. Any funds received by the department on behalf of an
21 offender's education that are requested by that offender to be used for
22 purposes other than education or vocational programming shall be
23 subject to the deductions in subsection (2) of this section.

24 (5) The deductions required under subsection (2) of this section
25 shall not apply to funds received by the department from family or
26 other outside sources for the payment of expenses for elective,
27 offender paid health care, as defined by department policy. In order
28 for these deductions not to apply, the offender must have already
29 received department approval of a formal request for offender paid
30 health care. The funds for which deductions shall not apply under this
31 provision can be used only in payment for the elective, offender paid
32 health care and for related expenses including, but not limited to,
33 transportation and custody escorting of the offender. Any funds
34 received by the department on behalf of an offender for his or her
35 elective, offender paid health care that are requested by that offender
36 to be used for purposes other than the offender's elective, offender
37 paid health care shall be subject to the deductions in subsection (2)
38 of this section.

1 (6) When an inmate sentenced to life imprisonment without
2 possibility of release or parole, or to death under chapter 10.95 RCW,
3 receives any funds in addition to his or her gratuities, the additional
4 funds shall be subject to: Deductions of five percent to the public
5 safety and education account for the purpose of crime victims'
6 compensation and twenty percent to the department to contribute to the
7 cost of incarceration.

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

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

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

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

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

20 (iii) Twenty percent to the department to contribute to the cost of
21 incarceration.

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

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

26 (ii) Ten percent to a department personal inmate savings account;
27 and

28 (iii) Fifteen percent to the department to contribute to the cost
29 of incarceration.

30 (c) The formula shall include the following minimum deduction from
31 class IV gross gratuities: Five percent to the department to
32 contribute to the cost of incarceration.

33 (d) The formula shall include the following minimum deductions from
34 class III gratuities: Five percent for the purpose of crime victims'
35 compensation.

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

1 The department personal inmate savings account, together with any
2 accrued interest, shall only be available to an inmate at the time of
3 his or her release from confinement, unless the secretary determines
4 that an emergency exists for the inmate, at which time the funds can be
5 made available to the inmate in an amount determined by the secretary.
6 The management of classes I, II, and IV correctional industries may
7 establish an incentive payment for offender workers based on
8 productivity criteria. This incentive shall be paid separately from
9 the hourly wage/gratuity rate and shall not be subject to the specified
10 deduction for cost of incarceration.

11 In the event that the offender worker's wages or gratuity is
12 subject to garnishment for support enforcement, the crime victims'
13 compensation, savings, and cost of incarceration deductions shall be
14 calculated on the net wages after taxes, legal financial obligations,
15 and garnishment.

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

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

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

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

37 (b) Not later than June 30, 1996, the secretary shall achieve a net
38 increase of at least four 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 (c) Not later than June 30, 1997, the secretary shall achieve a net
4 increase of at least six hundred in the number of inmates employed in
5 class I or class II correctional industries work programs above the
6 number so employed on June 30, 1994;

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

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

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

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

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