

HOUSE BILL REPORT

HB 1143

As Reported By House Committee On:
Criminal Justice & Corrections
Appropriations

Title: An act relating to deductions from inmate funds.

Brief Description: Authorizing deductions from inmate funds.

Sponsors: 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.

Brief History:

Committee Activity:

Criminal Justice & Corrections: 2/9/99, 2/17/99 [DPS];
Appropriations: 3/1/99, 3/3/99 [DP2S(w/o sub CJC)].

Brief Summary of Second Substitute Bill

- Changes the mandatory deduction on all money received by an inmate from outside of the prison.
- Continues to direct revenue from the cost of incarceration deduction to offender employment programs.

HOUSE COMMITTEE ON CRIMINAL JUSTICE & CORRECTIONS

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 8 members: Representatives Ballasiotes, Republican Co-Chair; O'Brien, Democratic Co-Chair; Cairnes, Republican Vice Chair; Lovick, Democratic Vice Chair; B. Chandler; Constantine; Kagi and Koster.

Staff: Yvonne Walker (786-7841).

Background:

The Department of Corrections (DOC) 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. For example, a 35 percent deduction is withdrawn from the wages of inmates participating in a class I Correctional Industry program (private sector businesses operated in the DOC). The deduction is then distributed as follows:

- 5 percent to the Crime Victims' Compensation program;
- 10 percent to the inmate's savings account; and
- 20 percent to the cost of the inmate's incarceration.

All money received by an inmate from outside of the prison is subject to the same mandatory deductions as class I industry wages.

Summary of Substitute Bill:

The mandatory deduction on all money received by an inmate from outside of the prison, totaling \$100 or less, is reduced from 35 percent to 25 percent: 5 percent to the Crime Victims' Compensation program and 20 percent to the Department of Corrections for the inmate's cost of incarceration.

When an inmate receives any funds in addition to his or her wages or gratuities exceeding \$100, then the additional funds are subject to the current statutory deduction of 35 percent: 5 percent to the Crime Victims' Compensation program, 10 percent to the inmate's savings account, and 20 percent to the cost of the inmate's incarceration.

The Department of Corrections is prohibited from taking any of the mandatory 35 percent deduction from any money an inmate receives from outside of the prison when it is to be used solely for the intention of educational purposes or for any offender-paid health care or related expenses (i.e., transportation and custody escorting to a health care facility outside the prison). Any funds received by the department on behalf of an offender's education or health care that are requested by that offender to be used for purposes other than the original intention will be subject to the usual mandated statutory deduction.

In addition, any funds received from outside of the prison by an offender who is sentenced to life imprisonment without parole or the death penalty are subject to a 25 percent deduction: 5 percent to the Crime Victims' Compensation program and 20 percent to the cost of the inmate's incarceration.

Substitute Bill Compared to Original Bill:

The mandatory deduction on all money received by an inmate from outside of the prison, totaling \$100 or less, was originally reduced from 35 percent to 15 percent: 5 percent to the Crime Victims' Compensation program and 10 percent to the inmate's savings account. That deduction was increased to 25 percent: 5 percent to the Crime Victims' Compensation program and 20 percent to the Department of Corrections for the inmate's cost of incarceration.

In addition, a provision was added that prohibits the Department of Corrections from taking any of the mandatory 35 percent deduction from any money an inmate receives from outside of the prison when it is to be used solely for the intention of educational purposes or for any offender-paid health care or related expenses. Any funds received by the department on behalf of an offender's education or health care that are requested by that offender to be used for purposes other than the original intention will be subject to the usual standard statutory deduction.

In addition, any funds received from outside of the prison by an offender who is sentenced to life imprisonment without parole or the death penalty are subject to a 25 percent deduction: 5 percent to the Crime Victims' Compensation program and 20 percent to the cost of the inmate's incarceration.

Appropriation: None.

Fiscal Note: Available.

Effective Date of Substitute Bill: Ninety days after adjournment of session in which bill is passed.

Testimony For: (Original bill and Substitute bill) This bill is to be commended for the sections that exempt educational funds from the mandatory deduction. This will be an incentive to help inmates further their education. However, the exemptions that this bill makes for funds received for an inmate's education and health-related costs may cause the Department of Corrections to have to devise a new accounting system in the prisons for inmate funds. There may be a slight fiscal impact due to the implementation of the new substitute bill.

Testimony Against: (Original bill and Substitute bill) The sections of both the original bill and the substitute bill which continue to authorize the Department of Corrections to deduct 20 percent from all money received by an inmate from outside of the prison is still a problem. Inmates complain about this particular deduction on a regular basis.

All money received by an inmate from outside of the prison is essential to their needs while they are incarcerated. Approximately 30 percent of all inmates have no ability to

make money even though they are still required to pay for their own personal hygiene items, recreation, and television use.

Since all money received by an inmate from outside of the prison is subject to the 20 percent deduction (for the cost of incarceration), many have wondered if it is right for the state to punish the families of the offender by taking a portion of all incoming funds to be used to pay for that inmate's cost of incarceration. This is an additional strain on many families.

Testified: (In support) Dave Savage, Department of Corrections.

(In support with concerns) Sara Fleming, Washington Association of Churches.

(Opposed with concerns) Jack Roos; Bill Jeske, Interaction/Transition; and Jon Nelson, Outside Chance.

HOUSE COMMITTEE ON APPROPRIATIONS

Majority Report: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Criminal Justice & Corrections. Signed by 30 members: Representatives Huff, Republican Co-Chair; H. Sommers, Democratic Co-Chair; Alexander, Republican Vice Chair; Doumit, Democratic Vice Chair; D. Schmidt, Republican Vice Chair; Barlean; Benson; Boldt; Carlson; Clements; Cody; Crouse; Gombosky; Grant; Kagi; Keiser; Kenney; Kessler; Linville; Lisk; Mastin; McIntire; McMorris; Mulliken; Parlette; Regala; Rockefeller; Sullivan; Tokuda and Wensman.

Minority Report: Do not pass. Signed by 2 members: Representatives Lambert and Ruderman.

Staff: Dave Johnson (786-7154).

New Background Information: Under current law, inmate wage and outside contributions are subject to a mandatory deduction for costs of incarceration. These funds are currently deposited into an account to support correctional industries but only until December 31, 2000. After that date they would be deposited into the general fund.

Summary of Recommendation of Committee on Appropriations Compared to Recommendation of Committee on Criminal Justice & Corrections: The current law provision which would have transferred the revenue from the deductions to the general fund is eliminated. Consequently, the deduction for the cost of incarceration would continue to support correctional industries, even after December 31, 2000.

Appropriation: None.

Fiscal Note: Available.

Effective Date Ninety days after adjournment of session in which bill is passed.

Testimony For: (Substitute bill) Under this bill, individuals sentenced to life without parole or death are exempt from the savings account provision. They won't get out to spend the money and they need it inside for toiletries and similar items. It is a burden on families, mostly low income, to maintain contact with offenders. Inmates have many expenses such as personal hygiene items, mail costs, medical co-pays, TV fees, hobby fees and gym fees. Most families view the mandatory deductions on outside contributions as double taxation. This bill removes a disincentive for offenders to become educated. Education helps reduce recidivism.

Testimony Against: None.

Testified: (In support) Representative O'Brien, prime sponsor; Sara Fleming, Washington Association of Churches; and Eric Paige, Washington State Catholic Conference.