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SENATE BILL 6402

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State of Washington 57th Legislature

2002 Regular Session

By Senators Costa, Long, Thibaudeau and Kline

Read first time 01/16/2002. Referred to Committee on Human Services & Corrections.

1 AN ACT Relating to legal financial obligation deductions from  
2 inmate funds and wages; and amending RCW 72.11.020 and 72.09.111.

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

4 **Sec. 1.** RCW 72.11.020 and 1989 c 252 s 23 are each amended to read  
5 as follows:

6 The secretary shall be custodian of all funds of a convicted person  
7 that are in his or her possession upon admission to a state  
8 institution, or that are sent or brought to the person, or earned by  
9 the person while in custody, or that are forwarded to the  
10 superintendent on behalf of a convicted person. All such funds shall  
11 be deposited in the personal account of the convicted person within the  
12 institutional resident deposit account as established by the office of  
13 financial management pursuant to RCW 43.88.195, and the secretary shall  
14 have authority to disburse money from such person's personal account  
15 for the purposes of satisfying a court-ordered legal financial  
16 obligation to the court. Legal financial obligation deductions shall  
17 be made as stated in RCW 72.09.111(1) without regard to the wording of  
18 a judgment and sentence. Unless specifically granted authority herein,  
19 at no time shall the withdrawal of funds for the payment of a legal

1 financial obligation result in reducing the inmate's account to an  
2 amount less than the defined level of indigency to be determined by the  
3 department.

4 Further, unless specifically altered herein, court-ordered legal  
5 financial obligations shall be paid.

6 **Sec. 2.** RCW 72.09.111 and 1999 c 325 s 2 are each amended to read  
7 as follows:

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

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

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

16 (ii) Ten percent to a department personal inmate savings account;  
17 (~~and~~)

18 (iii) Twenty percent to the department to contribute to the cost of  
19 incarceration; and

20 (iv) State prison facilities shall deduct twenty percent from class  
21 I industry gross wages or gratuities for payment of legal financial  
22 obligations, and state work release facilities shall deduct ten percent  
23 from inmate wages for all inmates who have legal financial obligations  
24 owing in any Washington state superior court.

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

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

29 (ii) Ten percent to a department personal inmate savings account;  
30 (~~and~~)

31 (iii) Fifteen percent to the department to contribute to the cost  
32 of incarceration; and

33 (iv) State prison facilities shall deduct twenty percent from class  
34 II industry gross wages or gratuities for payment of legal financial  
35 obligations, and state work release facilities shall deduct ten percent  
36 from inmate wages for all inmates who have legal financial obligations  
37 owing in any Washington state superior court.

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

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

7 Any person sentenced to life imprisonment without possibility of  
8 release or parole under chapter 10.95 RCW or sentenced to death shall  
9 be exempt from the requirement under (a)(ii) or (b)(ii) of this  
10 subsection.

11 The department personal inmate savings account, together with any  
12 accrued interest, shall only be available to an inmate at the time of  
13 his or her release from confinement, unless the secretary determines  
14 that an emergency exists for the inmate, at which time the funds can be  
15 made available to the inmate in an amount determined by the secretary.  
16 The management of classes I, II, and IV correctional industries may  
17 establish an incentive payment for offender workers based on  
18 productivity criteria. This incentive shall be paid separately from  
19 the hourly wage/gratuity rate and shall not be subject to the specified  
20 deduction for cost of incarceration.

21 In the event that the offender worker's wages or gratuity is  
22 subject to garnishment for support enforcement, the crime victims'  
23 compensation, savings, and cost of incarceration deductions shall be  
24 calculated on the net wages after taxes, legal financial obligations,  
25 and garnishment.

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

31 (3) The department shall develop the necessary administrative  
32 structure to recover inmates' wages and keep records of the amount  
33 inmates pay for the costs of incarceration and amenities. All funds  
34 deducted from inmate wages under subsection (1) of this section for the  
35 purpose of contributions to the cost of incarceration shall be  
36 deposited in a dedicated fund with the department and shall be used  
37 only for the purpose of enhancing and maintaining correctional  
38 industries work programs.

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

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

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

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

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

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

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

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

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