

CERTIFICATION OF ENROLLMENT

SUBSTITUTE SENATE BILL 6402

57th Legislature
2002 Regular Session

Passed by the Senate February 13, 2002
YEAS 47 NAYS 0

President of the Senate

Passed by the House March 7, 2002
YEAS 93 NAYS 0

**Speaker of the
House of Representatives**

CERTIFICATE

I, Tony M. Cook, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SUBSTITUTE SENATE BILL 6402** as passed by the Senate and the House of Representatives on the dates hereon set forth.

Secretary

Approved

FILED

Governor of the State of Washington

Secretary of State
State of Washington

SUBSTITUTE SENATE BILL 6402

Passed Legislature - 2002 Regular Session

State of Washington 57th Legislature 2002 Regular Session

By Senate Committee on Human Services & Corrections (originally sponsored by Senators Costa, Long, Thibaudeau and Kline)

READ FIRST TIME 02/04/2002.

1 AN ACT Relating to legal financial obligation deductions from
2 inmate funds and wages; and amending RCW 72.11.020, 72.09.111, and
3 72.65.050.

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

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

7 The secretary shall be custodian of all funds of a convicted person
8 that are in his or her possession upon admission to a state
9 institution, or that are sent or brought to the person, or earned by
10 the person while in custody, or that are forwarded to the
11 superintendent on behalf of a convicted person. All such funds shall
12 be deposited in the personal account of the convicted person within the
13 institutional resident deposit account as established by the office of
14 financial management pursuant to RCW 43.88.195, and the secretary shall
15 have authority to disburse money from such person's personal account
16 for the purposes of satisfying a court-ordered legal financial
17 obligation to the court. Legal financial obligation deductions shall
18 be made as stated in RCW 72.09.111(1) and 72.65.050 without exception.
19 Unless specifically granted authority herein, at no time shall the

1 withdrawal of funds for the payment of a legal financial obligation
2 result in reducing the inmate's account to an amount less than the
3 defined level of indigency to be determined by the 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) Twenty percent for payment of legal financial obligations for
21 all inmates who have legal financial obligations owing in any
22 Washington state superior court.

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

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

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

29 (iii) Fifteen percent to the department to contribute to the cost
30 of incarceration; and

31 (iv) Twenty percent for payment of legal financial obligations for
32 all inmates who have legal financial obligations owing in any
33 Washington state superior court.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

28 **Sec. 3.** RCW 72.65.050 and 1979 c 141 s 278 are each amended to
29 read as follows:

30 A prisoner employed under a work release plan shall surrender to
31 the secretary, or to the superintendent of such state correctional
32 institution as shall be designated by the secretary in the plan, his or
33 her total earnings, less payroll deductions required by law, or such
34 payroll deductions as may reasonably be required by the nature of the
35 employment and less such amount which his or her work release plan
36 specifies he or she should retain to help meet his or her personal
37 needs, including costs necessary for his or her participation in the
38 work release plan such as expenses for travel, meals, clothing, tools

1 and other incidentals. The secretary, or the superintendent of the
2 state correctional institution designated in the work release plan
3 shall deduct from such earnings, and make payments from such work
4 release participant's earnings in the following order of priority:

5 (1) Reimbursement to the department for any expenses advanced for
6 vocational training pursuant to RCW 72.65.020(2), or for expenses
7 incident to a work release plan pursuant to RCW 72.65.090.

8 (2) Payment of board and room charges for the work release
9 participant: PROVIDED, That if the participant is housed at a state
10 correctional institution, the average daily per capita cost for the
11 operation of such correctional institution, excluding capital outlay
12 expenditures, shall be paid from the work release participant's
13 earnings to the general fund of the state treasury: PROVIDED FURTHER,
14 That if such work release participant is housed in another facility
15 pursuant to agreement, then the charges agreed to between the
16 department and the appropriate authorities of such facility shall be
17 paid from the participant's earnings to such appropriate authorities.

18 (3) Payments for the necessary support of the work release
19 participant's dependents, if any.

20 (4) Ten percent for payment of legal financial obligations for all
21 work release participants who have legal financial obligations owing in
22 any Washington state superior court.

23 (5) Payments to creditors of the work release participant, which
24 may be made at his or her discretion and request, upon proper proof of
25 personal indebtedness.

26 ((+5+)) (6) Payments to the work release participant himself or
27 herself upon parole or discharge, or for deposit in his or her personal
28 account if returned to a state correctional institution for confinement
29 and treatment.

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