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**SUBSTITUTE SENATE BILL 6400**

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**State of Washington                      60th Legislature                      2008 Regular Session**

**By** Senate Human Services & Corrections (originally sponsored by Senator Carrell)

READ FIRST TIME 02/08/08.

1            AN ACT Relating to moral guidance of incarcerated persons; amending  
2 RCW 72.01.210; adding a new section to chapter 72.01 RCW; and creating  
3 new sections.

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

5            NEW SECTION.    **Sec. 1.** The legislature finds that men and women who  
6 are incarcerated have differing abilities to understand the financial  
7 and emotional cost and other difficulties faced by the victims that  
8 they have created. Many incarcerated men and women will be offered  
9 services aimed at preparing them for successful reentry to Washington  
10 communities. Still, it is critical that incarcerated persons  
11 understand the basis for their negative behaviors and have the  
12 opportunity to develop pro-social behaviors such as honest, caring,  
13 responsible, open-minded, willing, and humble ways of thinking and  
14 believing. These behaviors will better enable these men and women to  
15 fully participate in society and adhere to law-abiding behaviors, such  
16 as continuing treatment that is undertaken in prison, once the person  
17 is released in the community.

18            Living in an environment where foundational skills are modeled and  
19 encouraged fosters positive outcomes for people who have been convicted

1 and sentenced for their crimes. Basic skills include positive decision  
2 making, personal responsibility, building a healthy community,  
3 religious tolerance and understanding, ethics and morality, conflict  
4 management, family life relationships, leadership, managing emotions,  
5 restorative justice, transitional issues, and spirituality. Learning  
6 and practicing how to overcome minor and significant obstacles in a  
7 positive way will prepare offenders who are returning to our  
8 communities to begin their new crime-free lives.

9 NEW SECTION. **Sec. 2.** (1) The department of corrections shall  
10 establish an oversight committee to develop a comprehensive interagency  
11 plan to provide voluntary, nondenominational moral and character-  
12 building residential services and supports for offenders who are  
13 incarcerated in prison.

14 (2) The interagency plan shall include the following:

15 (a) Identification of existing state services and programs, as well  
16 as recognized community-based services and programs, for building moral  
17 character for those who are incarcerated;

18 (b) Identification of methods to improve collaboration and  
19 coordination of existing services and the community-based services and  
20 programs;

21 (c) Recommendations concerning new services and programs for adults  
22 who are incarcerated, involving both interagency and community-based  
23 efforts;

24 (d) Identification of evidence-based practices and areas for  
25 further research to support the long-term provision of moral and  
26 character-building services and programs for adults who are  
27 incarcerated;

28 (e) A plan for offering both nondenominational and secular  
29 programming; and

30 (f) A system to prevent the diversion of public funds to religious  
31 activities.

32 (3) The oversight committee shall include the following:

33 (a) Representatives with decision-making authority from: The  
34 department of corrections; the department of social and health  
35 services; the Washington association of sheriffs and police chiefs;  
36 county law and justice councils; county community transition  
37 coordination networks; specialized county courts such as those

1 addressing child dependency, drug, mental health, and domestic violence  
2 related crimes; prosecuting attorneys and public defenders;  
3 representatives of at least three faith-based organizations that work  
4 primarily in the prisons and at least three faith-based organizations  
5 that work primarily with offenders in the community; the religious  
6 program manager employed by the department of corrections; one  
7 institutional staff chaplain employed by the department of corrections;  
8 three chaplains: (i) One of whom volunteers in the institution, (ii)  
9 one of whom contracts with the department of corrections, and (iii) one  
10 of whom is a Native American program specialist with the department of  
11 corrections to serve those who are incarcerated; and six  
12 representatives from secular organizations in the private and public  
13 sectors that have evidence-based expertise in character and moral  
14 skills building, education, and residential programming;

15 (b) Two persons representing victims of crimes and their family  
16 members and friends;

17 (c) One former inmate of the state department of corrections; and

18 (d) One individual representing families of inmates who are  
19 incarcerated in state correctional institutions.

20 (4) In developing the interagency plan, the oversight committee  
21 shall seek input on moral and character-based residential programs in  
22 our state's adult correctional facilities from the public, including  
23 faith-based communities, state institutions of higher education, and  
24 the business community.

25 (5) The oversight committee shall develop the interagency plan by  
26 June 30, 2010, with an interim report due to the appropriate committees  
27 of the legislature by January 1, 2009.

28 **Sec. 3.** RCW 72.01.210 and 1993 c 281 s 62 are each amended to read  
29 as follows:

30 (1) The secretary of corrections shall appoint institutional  
31 chaplains for the state correctional institutions for convicted  
32 felons(~~(; and the))~~). Institutional chaplains shall be appointed as  
33 employees of the department of corrections. The secretary of  
34 corrections may further contract with chaplains to be employed as is  
35 necessary to meet the religious needs of those inmates whose religious  
36 denominations are not represented by institutional chaplains and where  
37 volunteer chaplains are not available.

1       (2) Institutional chaplains appointed by the department of  
2 corrections under this section shall have qualifications necessary to  
3 function as religious program coordinators for all faith groups  
4 represented within the department. Every chaplain so appointed or  
5 contracted with shall have qualifications consistent with community  
6 standards of the given faith group to which the chaplain belongs and  
7 shall not be required to violate the tenets of his or her faith when  
8 acting in an ecclesiastical role.

9       (3) The secretary of social and health services shall appoint  
10 chaplains for the correctional institutions for juveniles found  
11 delinquent by the juvenile courts; and the secretary of corrections and  
12 the secretary of social and health services shall appoint one or more  
13 chaplains for other custodial, correctional, and mental institutions  
14 under their control.

15       (4) Except as provided in this section, the chaplains so appointed  
16 under this section shall have the qualifications and shall be  
17 compensated in an amount ~~((7))~~ as ~~((shall hereafter be))~~ recommended by  
18 the appointing department and approved by the Washington personnel  
19 resources board.

20       NEW SECTION. Sec. 4. A new section is added to chapter 72.01 RCW  
21 to read as follows:

22       Regardless of whether the services are voluntary or provided by  
23 employment or contract with the department of corrections, a chaplain  
24 who provides the services authorized by RCW 72.01.220:

25       (1) May not be compelled to carry personal liability insurance as  
26 a condition of providing those services; and

27       (2) May request that the attorney general authorize the defense of  
28 an action or proceeding for damages instituted against the chaplain  
29 arising out of the course of his or her duties in accordance with RCW  
30 4.92.060, 4.92.070, and 4.92.075.

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