CERTIFICATION OF ENROLLMENT

SENATE BILL 5429

Chapter 365, Laws of 2007

60th Legislature
2007 Regular Session

INMATE--MONEYS RECEIVED

EFFECTIVE DATE: 07/22/07

Passed by the Senate April 16, 2007
YEAS 45 NAYS 0

BRAD OWEN
President of the Senate

Passed by the House April 4, 2007
YEAS 96 NAYS 0

FRANK CHOPP
Speaker of the House of Representatives

Passed by the Senate April 16, 2007
YEAS 45 NAYS 0

I, Thomas Hoemann, Secretary of the Senate of the State of Washington, do hereby certify that the attached is SENATE BILL 5429 as passed by the Senate and the House of Representatives on the dates hereon set forth.

THOMAS HOEMANN
Secretary

Passed by the House April 4, 2007
YEAS 96 NAYS 0

Approved May 8, 2007, 3:52 p.m.

CHRISTINE GREGOIRE
Governor of the State of Washington

FILED
May 10, 2007

SECRETARY OF STATE
State of Washington
AN ACT Relating to deductions from moneys received by an inmate; and amending RCW 72.09.480.

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

Sec. 1. RCW 72.09.480 and 2003 c 271 s 3 are each amended to read as follows:

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

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

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

(c) "Program" means any series of courses or classes necessary to achieve a proficiency standard, certificate, or postsecondary degree.
(2) When an inmate, except as provided in subsections ((7)) (4) and (8) of this section, receives any funds in addition to his or her wages or gratuities, except settlements or awards resulting from legal action, the additional funds shall be subject to the following deductions and the priorities established in chapter 72.11 RCW:

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

(b) Ten percent to a department personal inmate savings account;

(c) Twenty percent to the department to contribute to the cost of incarceration;

(d) Twenty percent for payment of legal financial obligations for all inmates who have legal financial obligations owing in any Washington state superior court; ((and

(e) Fifteen)) (d) Twenty percent for any child support owed under a support order; and

(e) Twenty percent to the department to contribute to the cost of incarceration.

(3) When an inmate, except as provided in subsection ((7)) (8) of this section, receives any funds from a settlement or award resulting from a legal action, the additional funds shall be subject to the deductions in RCW 72.09.111(1)(a) and the priorities established in chapter 72.11 RCW.

(4) When an inmate who is subject to a child support order receives funds from an inheritance, the deduction required under subsection (2)(e) of this section shall only apply after the child support obligation has been paid in full.

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

(6) The deductions required under subsection (2) of this section shall not apply to funds received by the department on behalf of an offender for payment of one fee-based education or vocational program that is associated with an inmate's work program or a placement decision made by the department under RCW 72.09.460 to prepare an inmate for work upon release.

An inmate may, prior to the completion of the fee-based education or vocational program authorized under this subsection, apply to a
person designated by the secretary for permission to make a change in
his or her program. The secretary, or his or her designee, may approve
the application based solely on the following criteria: (a) The inmate
has been transferred to another institution by the department for
reasons unrelated to education or a change to a higher security
classification and the offender's current program is unavailable in the
offender's new placement; (b) the inmate entered an academic program as
an undeclared major and wishes to declare a major. No inmate may apply
for more than one change to his or her major and receive the exemption
from deductions specified in this subsection; (c) the educational or
vocational institution is terminating the inmate's current program; or
(d) the offender's training or education has demonstrated that the
current program is not the appropriate program to assist the offender
to achieve a placement decision made by the department under RCW
72.09.460 to prepare the inmate for work upon release.

((6)) (7) The deductions required under subsection (2) of this
section shall not apply to any money received by the department, on
behalf of an inmate, from family or other outside sources for the
payment of postage expenses. Money received under this subsection may
only be used for the payment of postage expenses and may not be
transferred to any other account or purpose. Money that remains unused
in the inmate's postage fund at the time of release shall be subject to
the deductions outlined in subsection (2) of this section.

((7)) (8) When an inmate sentenced to life imprisonment without
possibility of release or parole, or to death under chapter 10.95 RCW,
receives any funds in addition to his or her gratuities, except
settlements or awards resulting from legal action, the additional funds
shall be subject to: Deductions of five percent to the public safety
and education account for the purpose of crime victims' compensation,
twenty percent to the department to contribute to the cost of
incarceration, and fifteen percent to child support payments.

((8)) (9) When an inmate sentenced to life imprisonment without
possibility of release or parole, or to death under chapter 10.95 RCW,
receives any funds from a settlement or award resulting from a legal
action in addition to his or her gratuities, the additional funds shall
be subject to: Deductions of five percent to the public safety and
education account for the purpose of crime victims' compensation and
twenty percent to the department to contribute to the cost of incarceration.

(10) The interest earned on an inmate savings account created as a result of the plan in section 4, chapter 325, Laws of 1999 shall be exempt from the mandatory deductions under this section and RCW 72.09.111.

(11) Nothing in this section shall limit the authority of the department of social and health services division of child support from taking collection action against an inmate's moneys, assets, or property pursuant to chapter 26.23, 74.20, or 74.20A RCW including, but not limited to, the collection of moneys received by the inmate from settlements or awards resulting from legal action.

Passed by the Senate April 16, 2007.
Passed by the House April 4, 2007.
Approved by the Governor May 8, 2007.
Filed in Office of Secretary of State May 10, 2007.