

CERTIFICATION OF ENROLLMENT

SUBSTITUTE SENATE BILL 6476

66th Legislature
2020 Regular Session

Passed by the Senate February 18,
2020

Yeas 48 Nays 0

President of the Senate

Passed by the House March 5, 2020

Yeas 68 Nays 29

**Speaker of the House of
Representatives**

Approved

Governor of the State of Washington

CERTIFICATE

I, Brad Hendrickson, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SUBSTITUTE SENATE BILL 6476** as passed by the Senate and the House of Representatives on the dates hereon set forth.

Secretary

FILED

**Secretary of State
State of Washington**

SUBSTITUTE SENATE BILL 6476

Passed Legislature - 2020 Regular Session

State of Washington 66th Legislature 2020 Regular Session

By Senate Human Services, Reentry & Rehabilitation (originally sponsored by Senators Stanford, Darneille, Wilson, C., Nguyen, Hasegawa, and Saldaña)

READ FIRST TIME 02/07/20.

1 AN ACT Relating to increasing and expanding access of inmates and
2 immediate family members of inmates to services provided within
3 correctional facilities; amending RCW 72.09.015; adding new sections
4 to chapter 72.09 RCW; and creating a new section.

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

6 NEW SECTION. **Sec. 1.** The legislature recognizes the importance
7 of maintaining strong family ties throughout an individual's period
8 of incarceration to help facilitate rehabilitation. Studies have
9 shown that regular visits from family members can reduce recidivism
10 rates by thirteen percent. The legislature recognizes the importance
11 and value that a strong, connected family network can provide to an
12 individual once he or she is released from incarceration. The
13 legislature further recognizes the financial and emotional toll that
14 incarceration can take on the family of those experiencing
15 incarceration. The legislature resolves to increase family
16 interaction by expanding eligibility for family visitation and by
17 providing transparency and availability of services inside
18 correctional institutions. Furthermore, the current indigent cap of
19 ten dollars, which has not increased since 1995, limits access to
20 services inside correctional institutions. Therefore, the legislature

1 finds and declares that the cap shall be increased to twenty-five
2 dollars.

3 **Sec. 2.** RCW 72.09.015 and 2013 c 39 s 22 are each amended to
4 read as follows:

5 The definitions in this section apply throughout this chapter.

6 (1) "Adult basic education" means education or instruction
7 designed to achieve general competence of skills in reading, writing,
8 and oral communication, including English as a second language and
9 preparation and testing services for obtaining a high school diploma
10 or a high school equivalency certificate as provided in RCW
11 28B.50.536.

12 (2) "Base level of correctional services" means the minimum level
13 of field services the department of corrections is required by
14 statute to provide for the supervision and monitoring of offenders.

15 (3) "Civil judgment for assault" means a civil judgment for
16 monetary damages awarded to a correctional officer or department
17 employee entered by a court of competent jurisdiction against an
18 inmate that is based on, or arises from, injury to the correctional
19 officer or department employee caused by the inmate while the
20 correctional officer or department employee was acting in the course
21 and scope of his or her employment.

22 (4) "Community custody" has the same meaning as that provided in
23 RCW 9.94A.030 and also includes community placement and community
24 supervision as defined in RCW 9.94B.020.

25 (5) "Contraband" means any object or communication the secretary
26 determines shall not be allowed to be: (a) Brought into; (b)
27 possessed while on the grounds of; or (c) sent from any institution
28 under the control of the secretary.

29 (6) "Correctional facility" means a facility or institution
30 operated directly or by contract by the secretary for the purposes of
31 incarcerating adults in total or partial confinement, as defined in
32 RCW 9.94A.030.

33 (7) "County" means a county or combination of counties.

34 (8) "Department" means the department of corrections.

35 (9) "Earned early release" means earned release as authorized by
36 RCW 9.94A.729.

37 (10) "Evidence-based" means a program or practice that has had
38 multiple-site random controlled trials across heterogeneous

1 populations demonstrating that the program or practice is effective
2 in reducing recidivism for the population.

3 (11) "Extended family visit" means an authorized visit between an
4 inmate and a member of his or her immediate family that occurs in a
5 private visiting unit located at the correctional facility where the
6 inmate is confined.

7 (12) "Good conduct" means compliance with department rules and
8 policies.

9 (13) "Good performance" means successful completion of a program
10 required by the department, including an education, work, or other
11 program.

12 (14) "Immediate family" means the inmate's children,
13 stepchildren, grandchildren, great grandchildren, parents,
14 stepparents, grandparents, great grandparents, siblings, aunts,
15 uncles, and a person legally married to or in a state registered
16 domestic partnership with an inmate. "Immediate family" includes the
17 immediate family of an inmate who was adopted as a child or an adult,
18 but does not include an inmate adopted by another inmate (~~or the~~
19 ~~immediate family of the adopted or adopting inmate~~)).

20 (15) "Indigent inmate," "indigent," and "indigency" mean an
21 inmate who has less than a (~~ten-dollar~~) twenty-five dollar balance
22 of disposable income in his or her institutional account on the day a
23 request is made to utilize funds and during the thirty days previous
24 to the request.

25 (16) "Individual reentry plan" means the plan to prepare an
26 offender for release into the community. It should be developed
27 collaboratively between the department and the offender and based on
28 an assessment of the offender using a standardized and comprehensive
29 tool to identify the offender's risks and needs. The individual
30 reentry plan describes actions that should occur to prepare
31 individual offenders for release from prison or jail, specifies the
32 supervision and services they will experience in the community, and
33 describes an offender's eventual discharge to aftercare upon
34 successful completion of supervision. An individual reentry plan is
35 updated throughout the period of an offender's incarceration and
36 supervision to be relevant to the offender's current needs and risks.

37 (17) "Inmate" means a person committed to the custody of the
38 department, including but not limited to persons residing in a
39 correctional institution or facility and persons released from such
40 facility on furlough, work release, or community custody, and persons

1 received from another state, state agency, county, or federal
2 jurisdiction.

3 (18) "Labor" means the period of time before a birth during which
4 contractions are of sufficient frequency, intensity, and duration to
5 bring about effacement and progressive dilation of the cervix.

6 (19) "Physical restraint" means the use of any bodily force or
7 physical intervention to control an offender or limit an offender's
8 freedom of movement in a way that does not involve a mechanical
9 restraint. Physical restraint does not include momentary periods of
10 minimal physical restriction by direct person-to-person contact,
11 without the aid of mechanical restraint, accomplished with limited
12 force and designed to:

13 (a) Prevent an offender from completing an act that would result
14 in potential bodily harm to self or others or damage property;

15 (b) Remove a disruptive offender who is unwilling to leave the
16 area voluntarily; or

17 (c) Guide an offender from one location to another.

18 (20) "Postpartum recovery" means (a) the entire period a woman or
19 youth is in the hospital, birthing center, or clinic after giving
20 birth and (b) an additional time period, if any, a treating physician
21 determines is necessary for healing after the woman or youth leaves
22 the hospital, birthing center, or clinic.

23 (21) "Privilege" means any goods or services, education or work
24 programs, or earned early release days, the receipt of which are
25 directly linked to an inmate's (a) good conduct; and (b) good
26 performance. Privileges do not include any goods or services the
27 department is required to provide under the state or federal
28 Constitution or under state or federal law.

29 (22) "Promising practice" means a practice that presents, based
30 on preliminary information, potential for becoming a research-based
31 or consensus-based practice.

32 (23) "Research-based" means a program or practice that has some
33 research demonstrating effectiveness, but that does not yet meet the
34 standard of evidence-based practices.

35 (24) "Restraints" means anything used to control the movement of
36 a person's body or limbs and includes:

37 (a) Physical restraint; or

38 (b) Mechanical device including but not limited to: Metal
39 handcuffs, plastic ties, ankle restraints, leather cuffs, other
40 hospital-type restraints, tasers, or batons.

1 (25) "Secretary" means the secretary of corrections or his or her
2 designee.

3 (26) "Significant expansion" includes any expansion into a new
4 product line or service to the class I business that results from an
5 increase in benefits provided by the department, including a decrease
6 in labor costs, rent, or utility rates (for water, sewer,
7 electricity, and disposal), an increase in work program space, tax
8 advantages, or other overhead costs.

9 (27) "Superintendent" means the superintendent of a correctional
10 facility under the jurisdiction of the Washington state department of
11 corrections, or his or her designee.

12 (28) "Transportation" means the conveying, by any means, of an
13 incarcerated pregnant woman or youth from the correctional facility
14 to another location from the moment she leaves the correctional
15 facility to the time of arrival at the other location, and includes
16 the escorting of the pregnant incarcerated woman or youth from the
17 correctional facility to a transport vehicle and from the vehicle to
18 the other location.

19 (29) "Unfair competition" means any net competitive advantage
20 that a business may acquire as a result of a correctional industries
21 contract, including labor costs, rent, tax advantages, utility rates
22 (water, sewer, electricity, and disposal), and other overhead costs.
23 To determine net competitive advantage, the department of corrections
24 shall review and quantify any expenses unique to operating a for-
25 profit business inside a prison.

26 (30) "Vocational training" or "vocational education" means
27 "vocational education" as defined in RCW 72.62.020.

28 (31) "Washington business" means an in-state manufacturer or
29 service provider subject to chapter 82.04 RCW existing on June 10,
30 2004.

31 (32) "Work programs" means all classes of correctional industries
32 jobs authorized under RCW 72.09.100.

33 NEW SECTION. **Sec. 3.** A new section is added to chapter 72.09
34 RCW to read as follows:

35 (1) In providing access to the facility commissary program in
36 state correctional facilities, the department is strongly encouraged
37 to provide, at a minimum, weekly access to the facility commissary
38 program across all departmental institutions of total confinement.
39 The department may not reduce frequency at departmental institutions

1 that have weekly access to the facility commissary program as of the
2 effective date of this section.

3 (2) By December 1, 2020, the department must provide access to
4 the facility commissary program at least twenty-six times per year or
5 once every two weeks at all institutions of total confinement.

6 NEW SECTION. **Sec. 4.** A new section is added to chapter 72.09
7 RCW to read as follows:

8 (1) Any contract to provide inmates with access to
9 telecommunication services and electronic media services in state
10 correctional facilities shall be made publicly available and posted
11 on the department's web site.

12 (2) The information in this subsection from the contract shall be
13 prominently displayed on the department's public web site:

14 (a) Rates for facilitating telecommunication services including,
15 but not limited to, phone calls, video visitation, videograms and
16 video clips, emails, and accessing music and entertainment;

17 (b) Fees charged for money transfers and transactions,
18 maintenance of financial accounts, and any other fee charged to the
19 user to facilitate the money transfer or online deposit account; and

20 (c) All fees or costs charged to the inmate or customer in
21 exchange for use of telecommunication or electronic media services
22 through the contract.

23 (3) By July 1st of each year, the contractor that provides
24 inmates with access to telecommunication services and electronic
25 media services under subsection (1) of this section shall report to
26 the department the following information:

27 (a) A summary of services offered at each correctional facility;

28 (b) Rates charged for, or associated with, providing each type of
29 service including, but not limited to, monthly financial account
30 maintenance fees, transaction fees associated with money transfers,
31 per call and connection surcharges, bill statement fees, and refund
32 fees;

33 (c) A total accounting of commissions provided to the department
34 or correctional facility;

35 (d) A summary and accounting of services used by inmates
36 categorized as indigent;

37 (e) One-time and ongoing costs incurred for installing and
38 maintaining hardware;

1 (f) Average customer service response time rates per facility and
2 the average time taken to resolve an issue or provide a refund for
3 defective services; and

4 (g) An accounting of all revenues or losses incurred by the
5 contractor by quarter.

6 (4) By November 1st of each year, and in compliance with RCW
7 43.01.036, the department shall report to the governor and
8 legislature on contracts for telecommunication services and
9 electronic media services under this section and the contractor's
10 annual compliance with this section.

11 (5) This section applies to any contract in effect on the
12 effective date of this section, and to any renegotiation, renewal, or
13 extension of such contract.

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