
HOUSE BILL 1685

State of Washington

52nd Legislature

1991 Regular Session

By Representatives Hargrove, Padden, Tate, Morris, Riley, Kremen, Dorn, Zellinsky, R. Meyers, Rayburn, Roland, Van Luven, Holland, Edmondson, Wynne, Brough, Rasmussen, Betrozoff, Broback, Fuhrman, Moyer, Miller, May, Paris, Ebersole, Mitchell, D. Sommers, Chandler, Vance, Ballard, Scott, H. Myers, Inslee, Forner, Casada, Bowman and Sheldon.

Read first time February 6, 1991. Referred to Committee on Human Services.

1 AN ACT Relating to inmates paying back incarceration costs of the
2 department of corrections; adding new sections to chapter 72.02 RCW;
3 creating a new section; and declaring an emergency.

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

5 NEW SECTION. **Sec. 1.** The legislature recognizes that the cost
6 of supervising and housing state-supported inmates is high and
7 increasing rapidly, and the public deserves the right to expect that
8 the obligation to pay all or a portion of inmate costs should fall upon
9 the inmate offender. It is the purpose and intent of this legislation,
10 through this act, to establish and promote the repayment of a variety
11 of inmate financial obligations, including the costs of inmate
12 incarceration.

1 NEW SECTION. **Sec. 2.** A person confined in a department of
2 corrections facility shall be required to pay for the cost for each day
3 of incarceration. The amount charged to the inmate for each day of the
4 inmate's incarceration shall be equal to the average daily cost of
5 services.

6 NEW SECTION. **Sec. 3.** The department of corrections and the
7 office of financial management shall establish a method for calculating
8 the incarceration costs and establishing the daily cost to be charged
9 to all inmates. Incarceration costs shall be calculated yearly and
10 represent one combined average daily cost figure for all department
11 facilities. This average daily cost figure shall be applied to all
12 inmates.

13 NEW SECTION. **Sec. 4.** The department of corrections shall have
14 the ability to modify the financial obligation for incarceration based
15 on, but not limited to: Verifiable employment handicaps; good time
16 earned; correctional industries work productivity; damages to
17 department property or injuries to department staff as a result of
18 willful misconduct; successful completion of department-sponsored or
19 approved educational opportunities while under department supervision,
20 or participation as a student in a school, college, university, or
21 vocational or technical training designed to prepare the offender for
22 employment; inability to obtain employment providing sufficient income
23 to pay fees despite diligent attempts, with a limit of ninety days of
24 unemployment for this waiver. The inability to find employment shall
25 be verified with the employment security department; and if, in the
26 best judgment of the department, the costs are needed for the
27 maintenance and support of the inmate's family and that the costs would
28 impose a manifest hardship on the inmate's family.

1 NEW SECTION. **Sec. 5.** When modifying the financial obligation
2 for incarceration, the department of corrections shall determine the
3 amount of manifest hardship on the inmate's family by applying income
4 levels needed to qualify for department of social and health services
5 family support assistance programs.

6 NEW SECTION. **Sec. 6.** Income earned by an inmate while working
7 for correctional industries shall be applied to the inmate's
8 incarceration debt in an amount decided by the department of
9 corrections. The department is allowed to convert community service
10 hours at the rate of the minimum wage for each hour of community
11 service for this monetary obligation.

12 NEW SECTION. **Sec. 7.** The department of corrections shall be
13 responsible for keeping an accurate record of the financial obligation
14 of incarceration for each inmate owed to the department.

15 NEW SECTION. **Sec. 8.** If the amount an inmate owes the
16 department of corrections for incarcerations has not been paid before
17 the inmate's release from incarceration, the department shall determine
18 the terms of the inmate's legal financial obligation, supervise the
19 inmate's requirement to meet the obligation, and pursue collection of
20 the obligation.

21 NEW SECTION. **Sec. 9.** Funds collected from inmates for their
22 costs of incarceration will be returned to the department of
23 corrections. The department shall proportionally share the funds
24 collected with all other administrative entities needed to assist with
25 the administrative process of monitoring, modifying, or collecting

1 inmates' financial obligations resulting from sections 1 through 11 of
2 this act.

3 NEW SECTION. **Sec. 10.** Sections 1 through 11 of this act shall
4 not alter the order of collecting restitution or other damages
5 specified in an offender's legal financial obligation.

6 NEW SECTION. **Sec. 11.** Inmates assigned to the reception unit
7 at the Washington corrections center are exempt from being obligated
8 for incarceration costs until placed in an institution.

9 NEW SECTION. **Sec. 12.** Sections 2 through 10 of this act are
10 each added to chapter 72.02 RCW.

11 NEW SECTION. **Sec. 13.** This act is necessary for the immediate
12 preservation of the public peace, health, or safety, or support of the
13 state government and its existing public institutions, and shall take
14 effect immediately.