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ENGROSSED HOUSE BILL 1033

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State of Washington

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By Representatives H. Myers, Bray, Edmondson, Rayburn, Chappell, Ludwig, Kessler, Flemming, Brough, Campbell, L. Johnson, Dunshee and Ogden

Read first time 01/12/93. Referred to Committee on Corrections.

1 AN ACT Relating to city and county jail industries; and adding a  
2 new chapter to Title 36 RCW.

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

4 NEW SECTION. **Sec. 1.** Cities and counties have a significant  
5 interest in ensuring that inmates in their jails are productive  
6 citizens after their release in the community. The legislature finds  
7 that there is an expressed need for cities and counties to uniformly  
8 develop and coordinate jail industries technical information and  
9 program and public safety standards state-wide. It further finds that  
10 meaningful jail work industries programs that are linked to formal  
11 education and adult literacy training can significantly reduce  
12 recidivism, the rising costs of corrections, and criminal activities.  
13 It is the purpose and intent of the legislature, through this chapter,  
14 to establish a state-wide jail industries program designed to promote  
15 inmate rehabilitation through meaningful work experience and reduce the  
16 costs of incarceration. The legislature recognizes that inmates should  
17 have the responsibility for contributing to the cost of their crime  
18 through the wages earned while working in jail industries programs and  
19 that such income shall be used to offset the costs of implementing and

1 maintaining local jail industries programs and the costs of  
2 incarceration.

3 NEW SECTION. **Sec. 2.** Unless the context clearly requires  
4 otherwise, the definitions in this section apply throughout this  
5 chapter.

6 (1) "Board" means the state-wide jail industries board of  
7 directors.

8 (2) "City" means any city, town, or code city.

9 (3) "Cost accounting center" means a specific industry program  
10 operated under the private sector prison industry enhancement  
11 certification program as specified in 18 U.S.C. Sec. 1761.

12 (4) "Court-ordered legal financial obligation" means a sum of money  
13 that is ordered by a superior, district, or municipal court of the  
14 state of Washington for payment of restitution to a victim, a  
15 statutorily imposed crime victims compensation fee, court costs, a  
16 county or interlocal drug fund, court appointed attorneys' fees and  
17 costs of defense, fines, and other legal financial obligations that are  
18 assessed as a result of a felony or misdemeanor conviction.

19 (5) "Free venture industries" means types of industries which  
20 produce products, goods, or services through two modalities: (a)  
21 Employer model: An agreement between city or county and profit or  
22 nonprofit organizations to produce goods or services to both public and  
23 private sectors; (b) customer model: An industry operated and managed  
24 to provide Washington state manufacturers or businesses with products  
25 or services currently produced, provided, and assembled by out-of-state  
26 or foreign suppliers.

27 (6) "Jail inmate" means a preconviction or postconviction resident  
28 of a city or county jail who is determined to be eligible to  
29 participate in jail inmate work programs according to the eligibility  
30 criteria of the work program.

31 (7) "Private sector prison industry enhancement certification  
32 program" means that program authorized by the United States justice  
33 assistance act of 1984, 18 U.S.C. Sec. 1761.

34 NEW SECTION. **Sec. 3.** A state-wide jail industries board of  
35 directors is established. The board shall consist of the following  
36 members:

- 1 (1) One sheriff and one police chief, to be selected by the  
2 Washington association of sheriffs and police chiefs;
- 3 (2) One county commissioner or one county councilmember to be  
4 selected by the Washington state association of counties;
- 5 (3) One city official to be selected by the association of  
6 Washington cities;
- 7 (4) Two jail administrators to be selected by the Washington state  
8 jail association, one of whom shall be from a county or a city with an  
9 established jail industries program;
- 10 (5) One prosecuting attorney to be selected by the Washington  
11 association of prosecuting attorneys;
- 12 (6) One administrator from a city or county corrections department  
13 to be selected by the Washington correctional association;
- 14 (7) One county clerk to be selected by the Washington association  
15 of county clerks;
- 16 (8) Three representatives from labor to be selected by the  
17 governor;
- 18 (9) Three representatives from business to be selected by the  
19 governor;
- 20 (10) The governor's representative from the employment security  
21 department;
- 22 (11) One member representing crime victims, to be selected by the  
23 governor;
- 24 (12) One member representing on-line law enforcement officers, to  
25 be selected by the governor;
- 26 (13) One member from the department of trade and economic  
27 development to be selected by the governor;
- 28 (14) One member representing higher education, vocational  
29 education, or adult basic education to be selected by the governor; and
- 30 (15) The governor's representative from the correctional industries  
31 division of the state department of corrections shall be an ex officio  
32 member for the purpose of coordination and cooperation between prison  
33 and jail industries and to further a positive relationship between  
34 state and local government offender programs.

35 NEW SECTION. **Sec. 4.** The board shall, at the request of a city or  
36 county, offer advice in developing, promoting, and implementing  
37 consistent, safe, and efficient offender work programs.

1 The board may also develop guidelines and provide technical  
2 assistance for the coordination of jail industries programs with basic  
3 educational programs.

4 NEW SECTION. **Sec. 5.** The board shall require a city or a county  
5 that establishes a jail industries program to develop a local advisory  
6 group, or to use an existing advisory group of the appropriate  
7 composition, to advise and guide jail industries program operations.  
8 Such an advisory group shall include an equal number of representatives  
9 from labor and business. Representation from a sheltered workshop, as  
10 defined in RCW 82.04.385, and a crime victim advocacy group, if  
11 existing in the local area, should also be included.

12 A local advisory group shall have among its tasks the  
13 responsibility of ensuring that a jail industry has minimal negative  
14 impact on existing private industries or the labor force in the locale  
15 where the industry operates and that a jail industry does not  
16 negatively affect employment opportunities for people with  
17 developmental disabilities contracted through the operation of  
18 sheltered workshops as defined in RCW 82.04.385.

19 NEW SECTION. **Sec. 6.** The board, in accordance with chapter 34.05  
20 RCW, shall:

21 (1) Establish an arbitration process for resolving conflicts  
22 arising among the local business community and labor organizations  
23 concerning new industries programs, products, services, or wages;

24 (2) Encourage the development of the collection and analysis of  
25 jail industries program data, including long-term tracking information  
26 on offender recidivism;

27 (3) Determine, by applying established federal guidelines and  
28 criteria, whether a city or a county jail free venture industries  
29 program complies with the private sector prison industry enhancement  
30 certification program. In so doing, also determine if that industry  
31 should be designated as a cost accounting center for the purposes of  
32 the federal certification program; and

33 (4) Provide technical assistance with product marketing.

34 NEW SECTION. **Sec. 7.** The board may receive funds from local,  
35 county, state, or federal sources and may receive grants to support its  
36 activities. The board may establish a reasonable schedule of suggested

1 fees that will support state-wide efforts to promote and facilitate  
2 jail industries that would be presented to cities and counties that  
3 have established jail industries programs.

4 NEW SECTION. **Sec. 8.** The board shall initially convene at the  
5 call of the representative of the correctional industries division of  
6 the state department of corrections, together with the jail  
7 administrator selected from a city or a county with an established jail  
8 industries program, no later than six months after the effective date  
9 of this act. Subsequent meetings of the board shall be at the call of  
10 the board chairperson. The board shall meet at least twice a year.

11 The board shall elect a chairperson and other such officers as it  
12 deems appropriate. However, the chairperson may not be the  
13 representative of the correctional industries division of the state  
14 department of corrections nor any representative from a state executive  
15 branch agency.

16 Members of the board shall serve terms of three years each on a  
17 staggered schedule to be established by the first board. For purposes  
18 of initiating a staggered schedule of terms, some members of the first  
19 board may initially serve two years and some members may initially  
20 serve four years.

21 The members of the board shall serve without compensation but may  
22 be reimbursed for travel expenses from funds acquired under this  
23 chapter.

24 NEW SECTION. **Sec. 9.** A city or a county that implements a jail  
25 industries program may establish a separate fund for the operation of  
26 the program. This fund shall be a special revenue fund with continuing  
27 authority to receive income and pay expenses associated with the jail  
28 industries program.

29 NEW SECTION. **Sec. 10.** Cities and counties participating in jail  
30 industries are authorized to provide for comprehensive work programs  
31 using jail inmate workers at worksites within jail facilities or at  
32 such places within the city or county as may be directed by the  
33 legislative authority of the city or county, as similarly provided  
34 under RCW 36.28.100.

1        NEW SECTION.    **Sec. 11.**    When an offender is employed in a jail  
2 industries program for which pay is allowed, deductions may be made  
3 from these earnings for court-ordered legal financial obligations as  
4 directed by the court in reasonable amounts that do not unduly  
5 discourage the incentive to work. These deductions shall be disbursed  
6 as directed in RCW 9.94A.145.

7        In addition, inmates working in jail industries programs shall  
8 contribute toward costs to develop, implement, and operate jail  
9 industries programs. This amount shall be a reasonable amount that  
10 does not unduly discourage the incentive to work. The amount so  
11 deducted shall be deposited in the jail industries special revenue  
12 fund.

13        Upon request of the offender, family support may also be deducted  
14 and disbursed to a designated family member.

15        NEW SECTION.    **Sec. 12.**    A jail inmate who works in a free venture  
16 industry shall be considered an employee of that industry only for the  
17 purpose of the Washington industrial safety and health act, chapter  
18 49.17 RCW, as long as the public safety is not compromised, and for  
19 eligibility for industrial insurance benefits under Title 51 RCW.  
20 However, eligibility for benefits for either the inmate or the inmate's  
21 dependents or beneficiaries for temporary total disability or permanent  
22 total disability under RCW 51.32.090 or 51.32.060, respectively, shall  
23 not take effect until the inmate is discharged from custody by order of  
24 a court of appropriate jurisdiction. Nothing in this section shall be  
25 construed to confer eligibility for any industrial insurance benefits  
26 to any jail inmate who is employed in a nonfree venture industry.

27        NEW SECTION.    **Sec. 13.**    To the extent possible, jail industries  
28 programs shall be augmented by education and training to improve worker  
29 literacy and employability skills. Such education and training may  
30 include, but is not limited to, basic adult education, work towards a  
31 certificate of educational competence following successful completion  
32 of the general educational development test, vocational and  
33 preemployment work maturity skills training, and apprenticeship  
34 classes.

1        NEW SECTION.    **Sec. 14.**    Until sufficient funding is secured by the  
2 board to adequately provide staffing, basic staff assistance shall be  
3 provided, to the extent possible, by the department of corrections.

4        NEW SECTION.    **Sec. 15.**    Sections 1 through 14 of this act shall  
5 constitute a new chapter in Title 36 RCW.

6        NEW SECTION.    **Sec. 16.**    If any provision of this act or its  
7 application to any person or circumstance is held invalid, the  
8 remainder of the act or the application of the provision to other  
9 persons or circumstances is not affected.

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