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**SUBSTITUTE HOUSE BILL 1054**

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**State of Washington**

**54th Legislature**

**1995 Regular Session**

**By** House Committee on Corrections (originally sponsored by Representatives Padden, Goldsmith, Delvin, Schoesler, Chappell, Robertson, Fuhrman, Campbell and Sheldon)

Read first time 02/22/95.

1 AN ACT Relating to corrections cost reductions by restriction of  
2 adult offender privileges; adding a new section to chapter 72.09 RCW;  
3 creating new sections; and declaring an emergency.

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

5 NEW SECTION. **Sec. 1.** FINDINGS AND INTENT. (1) The legislature  
6 finds that due to the upwardly spiraling cost of housing, maintaining,  
7 and supervising inmates in our state corrections facilities, the  
8 department of corrections must identify cost-cutting strategies that  
9 target waste and inefficiencies while maintaining clear and effective  
10 punishment and rehabilitation goals.

11 (2) The legislature further finds that the programs, amenities, and  
12 activities available to inmates in our state correctional institutions  
13 should reflect the strong moral values and ideals that contribute to  
14 public safety and the betterment of society and promote good  
15 citizenship.

16 NEW SECTION. **Sec. 2.** A new section is added to chapter 72.09 RCW  
17 to read as follows:

1 REDUCTION OF OFFENDER PRIVILEGES. (1) Unless the context clearly  
2 requires otherwise, the definitions in this subsection apply throughout  
3 this section.

4 (a) "Immediate family" means an inmate's parents, stepparents,  
5 grandparents, parent surrogates, legal guardians, legally married  
6 spouse of the opposite sex of the inmate at the time of conviction,  
7 siblings, half or step siblings, children, stepchildren, and dependents  
8 who might not be in the direct lineal relationship of the inmate.

9 (b) "Child" means the natural or adopted child of both the inmate  
10 and spouse, or of the inmate or the spouse.

11 (c) "Excessive violence" means sexual and/or physical violence that  
12 is considered by the department of corrections to exceed what is  
13 proper, normal, or reasonable taking into account the penological  
14 objectives of the prison.

15 (d) "Obscene" means material that, when taken as a whole, appeals  
16 to prurient interests, and contains patently offensive depictions or  
17 descriptions of sexual conduct and, taken as a whole, has no serious  
18 literary, artistic, political, or scientific value or that is patently  
19 offensive because it affronts contemporary community standards relating  
20 to the description or representation of sexual matters or  
21 sadomasochistic abuse, and is utterly without redeeming social value.  
22 Both offensiveness and an appeal to something other than normal healthy  
23 sexual desires are essential elements of obscenity.

24 (e) "Sexually explicit" means depiction of one of the following  
25 sexual behaviors:

26 (i) Where one of the participants in the act is, or appears to be,  
27 nonconsenting;

28 (ii) Where one of the participants appears to be forceful,  
29 threatening, or violent;

30 (iii) Where one of the partners is dominating one of the other  
31 participants, and one of the individuals is obviously in a submissive  
32 role, or one of the participants is degraded, humiliated, or willingly  
33 engages in behavior that is degrading or humiliating;

34 (iv) Where any bodily excretory function is depicted;

35 (v) Where there is actual sexual penetration;

36 (vi) One of the participants is a child, or appears to be a child;

37 (vii) Bestiality, sadomasochistic behavior, or bondage;

38 (viii) Any sexual behaviors deemed by the department of corrections  
39 to be a threat to legitimate penological objectives.

1 (2) FAMILY VISITATION. The department may implement a family  
2 visitation program that allows visiting between eligible inmates and  
3 their eligible immediate family member or members for the sole purpose  
4 of maintaining and promoting functional and cohesive family  
5 relationships. The secretary of the department or his or her designee  
6 shall have the ability to approve, deny, suspend, or terminate a family  
7 visit. Family visits shall occur no more often than once every sixty  
8 days. The maximum time allowed for each family visit shall be twenty-  
9 four hours. An inmate shall not be considered eligible for a family  
10 visit until after six months have elapsed since his or her arrival at  
11 the department facility on a current commitment. Only those offenders  
12 who are employed in a correctional industries work program or are  
13 successfully participating in a department approved educational  
14 program, for no less than eight hours per day and no less than forty  
15 hours per week, may participate in the family visitation program. If  
16 an offender has attained a high school degree or a GED certificate, the  
17 offender must work for no less than eight hours per day and no less  
18 than forty hours per week in order to be eligible. The department of  
19 corrections shall be required to provide work and education programs  
20 consistent with this act to the extent that no additional funds are  
21 appropriated. If an offender is willing to work and no job or  
22 education is available, it does not exclude the offender from  
23 privileges. However, inmates who have mental or physical disabilities  
24 that do not allow them to participate in work or education programs, as  
25 determined by the department, shall be exempted from this requirement.  
26 All maximum custody inmates, death row inmates, and inmates housed in  
27 disciplinary or administrative segregation are excluded from  
28 participating in the family visitation program. Only inmates who have  
29 not been found guilty of a serious infraction for one year, as defined  
30 by the department, shall be eligible for participation in the family  
31 visitation program. The department shall exclude any offender who has  
32 been determined by the department to be a danger to himself or herself,  
33 visitor or visitors, or the orderly operation of the program, has a  
34 prior criminal history of spousal or child abuse, or has mental health  
35 disorders based on a psychological assessment that indicates the  
36 offender could pose a danger to others. The determination to exclude  
37 an inmate from participation from the program shall also be based on,  
38 but not limited to, the inmate's crime or prior criminal behavior. An

1 inmate with a history of any sex offense involving children shall not  
2 be allowed family visitation with children.

3 Immediate family members that are on juvenile or adult parole,  
4 probation, community supervision, community placement, work release, or  
5 the subject of a pending felony criminal or drug-related action, or are  
6 under the jurisdiction of the department are not eligible to  
7 participate in a family visit. The department may also deny  
8 eligibility to an immediate family member who is a former inmate  
9 released under the sentencing reform act or who has been convicted of  
10 a drug-related crime. Children under the age of eighteen are eligible  
11 only if they are accompanied and supervised by an adult visitor during  
12 the entire visit.

13 All family visitation shall be conducted within the prison campus.  
14 The department shall establish the location, size, and design of family  
15 visiting units and develop written regulations and procedures  
16 consistent with this chapter that insure the safety of visitors,  
17 promote healthy family values, and maintain the penological objectives  
18 of the prison.

19 Inmates who have participated in a family visit shall be subject to  
20 no less than ten random urine analysis tests for drugs any time for a  
21 period of six months after the family visit. If an inmate tests  
22 positive for drugs he or she shall not be eligible for a family visit  
23 for the remainder of his or her sentence.

24 All construction, operational, and maintenance costs for the family  
25 visitation program shall be paid by inmates.

26 (3) OBSCENE, SEXUALLY EXPLICIT, EROTIC, AND EXCESSIVELY VIOLENT  
27 MATERIAL. All obscene, erotic, sexually explicit, or excessively  
28 violent films, video tapes, magazines, books, or computer software  
29 shall be prohibited from all department correctional facilities. These  
30 materials shall be considered contraband and shall be removed from the  
31 inmate's mail, possession, and cells. The department shall be  
32 responsible for uniformly establishing which materials are to be  
33 considered contraband and removed in accordance with legitimate and  
34 justifiable penological interests. This standard shall be uniformly  
35 applicable throughout all department prison facilities. The department  
36 shall screen all inmate mail and disapprove inmate mail the department  
37 determines to be obscene, sexually explicit, erotic, or excessively  
38 violent. The only exception for allowing these materials for inmates  
39 shall be for their use in treatment or therapy sessions as prescribed

1 by a physician or certified therapist under the direction of the  
2 department.

3 (4) CABLE, CLOSED CIRCUIT, AND SATELLITE TELEVISION. No new  
4 department correctional facility or expanded portions of existing  
5 department correctional facilities shall be constructed with cable,  
6 closed circuit, or satellite television readiness unless the department  
7 has a written basic education and technical vocational training plan  
8 for the facility and the plan clearly demonstrates how the television  
9 systems will be used for educational and training purposes. The  
10 educational and training plan shall contain a curriculum outline and  
11 goals for preparing inmates with the basic knowledge, life skills, work  
12 ethics, job skills, and technical abilities to function effectively in  
13 a real world work environment. The television education and training  
14 plan shall correspond to the education and training that is applicable  
15 to the correctional industries jobs that are expected to be implemented  
16 at the new facility. All programming conducted on the television  
17 system shall correspond to the terms and conditions outlined in  
18 subsection (3) of this section.

19 An inmate is not eligible for individual television privileges  
20 unless he or she is working in a correctional industries job or  
21 successfully enrolled in a department education program. No inmate may  
22 be eligible for individual television privileges until two months have  
23 elapsed since their arrival at the department facility on a current  
24 commitment.

25 All installation, maintenance, and fees associated with cable,  
26 closed circuit, or satellite television shall be paid for by inmates.

27 The terms and conditions of this subsection shall not be applicable  
28 for closed circuit television used by the department for security  
29 purposes by correctional employees.

30 (5) BODY BUILDING AND WEIGHT LIFTING. All body building or weight  
31 lifting using weight resistance training equipment shall be limited to  
32 only inmates who volunteer to participate and are approved by the  
33 department to participate in official nationally sanctioned or official  
34 state sanctioned weight lifting team competitions. Each prison may  
35 establish no more than three inmate weight lifting teams. Each inmate  
36 weight lifting team is limited to no more than thirty-five inmates.  
37 The department shall establish written eligibility standards for  
38 determining which inmates are eligible to join the weight lifting team.  
39 Inmate weight lifting team members shall also meet any applicable

1 national or state eligibility standards necessary for official  
2 competition. Only inmates in good standing with the department and  
3 employed in a correctional industries job or successfully completing  
4 job training or education classes are eligible for the inmate weight  
5 lifting team. Any inmate found guilty of assaulting a correctional  
6 officer or other inmate is not eligible for the inmate weight lifting  
7 team. The costs associated with weight lifting competitions and  
8 establishing and training an inmate weight lifting team, including but  
9 not limited to, the equipment and a portion of the department  
10 recreational training staff salaries needed to monitor and train the  
11 inmate team shall be paid for by the inmates.

12 All inmates shall be encouraged to stay healthy and fit. However,  
13 the department shall only provide recreational options that minimize  
14 the inmates' ability to substantially increase muscle mass. Dietary  
15 supplements made for the sole purpose of increasing muscle mass shall  
16 be only available for purchase to members of the inmate weight lifting  
17 teams.

18 NEW SECTION. **Sec. 3.** CAPTIONS. Captions as used in this act  
19 shall not constitute any part of the law.

20 NEW SECTION. **Sec. 4.** EMERGENCY. This act is necessary for the  
21 immediate preservation of the public peace, health, or safety, or  
22 support of the state government and its existing public institutions,  
23 and shall take effect immediately.

24 NEW SECTION. **Sec. 5.** SEVERABILITY. If any provision of this act  
25 or its application to any person or circumstance is held invalid, the  
26 remainder of the act or the application of the provision to other  
27 persons or circumstances is not affected.

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