
SUBSTITUTE HOUSE BILL 2010

State of Washington

54th Legislature

1995 Regular Session

By House Committee on Corrections (originally sponsored by Representatives Ballasiotes, Quall, Sherstad, Chandler, Schoesler, Radcliff and Blanton)

Read first time 03/10/95.

1 AN ACT Relating to corrections; amending RCW 72.09.135, 4.24.130,
2 72.10.020, 72.09.111, 9.94A.137, 72.09.070, 72.10.030, and 43.17.200;
3 adding new sections to chapter 72.09 RCW; creating new sections; and
4 declaring an emergency.

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

6 NEW SECTION. **Sec. 1.** The legislature finds that increasing crime,
7 a burgeoning inmate population, and the upwardly spiraling cost of
8 building, maintaining, and operating our state's prisons have created
9 an urgent need to enact decisive new and stringent methods for
10 controlling the high cost of corrections. The legislature further
11 finds that the public has clearly demanded that every effort be made to
12 rid our streets of crime and that criminals be dealt with decisively
13 and firmly. At the same time, the public has also let it be known that
14 their tax dollars must be spent efficiently and that their investment
15 in expensive prisons buy safety for them and their families now and in
16 the future. To this end, the legislature insists that cost-
17 efficiencies in corrections must be implemented at every level and in
18 every aspect of the correctional system. Most importantly, however, is
19 the need to develop and implement a long-range corrections cost-

1 efficiency strategy that has as its foremost goal the investment in a
2 corrections management philosophy that will effectively lower the high
3 number of inmates recycled through our prisons. The legislature
4 believes that by implementing a corrections management philosophy that
5 mirrors the incentives, goals, morals, and values that guide our
6 society and its law-abiding citizens, offenders will be less likely to
7 reoffend and public expectations of criminals receiving their just
8 desserts can be realized. The focus of this corrections management
9 philosophy is accountability and responsibility, both for the prison
10 inmates and also for the public servants charged with running our
11 correctional institutions. The responsibility for criminal activity
12 should fall squarely on the criminal. Society should not have to pay
13 the price for crimes twice, once for the criminal activities and again
14 by feeding them, clothing them, and housing them, often in a fashion
15 better than law-abiding, working families in the community. By
16 perpetuating the current corrections philosophy we are making offenders
17 less responsible rather than more responsible. The corrections system
18 should be the first place criminals are given the opportunity to be
19 responsible for paying for their criminal act, not just through the
20 loss of their freedom, but by contributing to the actual cost of their
21 crime and for the cost of incarceration. In a responsibility-based
22 corrections system, inmates should be expected to participate in real
23 and meaningful work experiences that teach marketable skills and
24 instill the work values and ethics that are the backbone of our
25 society, both for the benefit of society and for the offender.
26 Privileges inside the prison should not be just provided to prisoners
27 and used like free penological pacifiers. Instead, inmates must be
28 motivated to work, learn, and then earn basic privileges. It is the
29 intent of the legislature to expect all prison inmates to be made more
30 accountable and responsible by working, learning basic skills,
31 contributing to the cost of their incarceration, developing meaningful
32 work values and experiences, and gaining valuable job readiness skills
33 that will translate into work opportunities outside of prison. It is
34 also the intent of the legislature to expect the department of
35 corrections to also be made more accountable and responsible by
36 adopting a corrections management philosophy that is vested in the
37 goals of responsibility and accountability and continuing to uphold a
38 high standard of public safety, maintaining drug-free corrections

1 facilities, effectively reducing recidivism, and significantly
2 controlling the rising cost of corrections.

3 **Sec. 2.** RCW 72.09.135 and 1987 c 462 s 15 are each amended to read
4 as follows:

5 (1) The department of corrections shall, no later than July 1,
6 1987, adopt standards for the operation of state adult correctional
7 facilities. These standards shall be the minimums necessary to meet
8 federal and state constitutional requirements relating to health,
9 safety, and welfare of inmates and staff, and specific state and
10 federal statutory requirements, and to provide for the public's health,
11 safety, and welfare. The need for each standard shall be documented.

12 (2) The secretary shall implement, as part of the standards for
13 correctional facilities, a mandatory inmate basic education and a
14 standard work day policy for all facilities that includes but is not
15 limited to the following components and directives:

16 (a) All inmates, with the exception of those with physical or
17 mental impairments, confined to a segregation unit, in protective
18 custody, close custody, on death row, or who are in sex offender
19 treatment or special mental health treatment, shall be required to work
20 in an available correctional industries job for a standard department
21 of corrections work day or participate in an available department-
22 approved education program based on their level of learning skills
23 needs. Inmates who do not participate in an available work or
24 education program shall lose their ability to participate in offender
25 privileges such as, but not limited to, family visitation, use of
26 individual television, and the use of recreational facilities and
27 equipment for recreational purposes. Inmates who choose not to
28 participate in available jobs or educational programs shall also lose
29 earned early release time commensurate with the time they choose not to
30 work or participate in an education program. Inmates serving a life
31 sentence shall be required to comply with work requirements only;

32 (b) The department shall require that all inmates be assessed for
33 their level of literacy and basic skills within the first thirty days
34 of their confinement;

35 (c) Inmates reading below the eighth grade level, except offenders
36 sentenced to the illegal alien offender transition camp or offenders
37 with a mental impairment or condition, shall be required to
38 successfully participate half-time in an academic program that includes

1 all appropriate learning skills linked to the attainment of
2 demonstrated competency in arithmetic, language, and cognitive
3 proficiency and shall work half-time in an available correctional
4 industries job;

5 (d) Once the offender has achieved the eighth grade level, he or
6 she shall be required to work a standard department of corrections work
7 day in an available correctional industries job. If a correctional
8 industries job is not available and the inmate does not have a general
9 education development certificate or a high school diploma, the inmate
10 shall attend general educational development classes until they attain
11 a general education development certificate or until a job becomes
12 available. If no work is available, inmates with a high school diploma
13 or general education development certificate then may attend vocational
14 education classes until a job becomes available;

15 (e) The cost of all two-year associate of arts degree programs or
16 higher education degree programs including the cost of books, tuition,
17 and fees shall be paid by the offender. Offenders serving a life
18 sentence shall only be allowed to receive one associate degree or
19 baccalaureate degree and once the degree is earned shall not be allowed
20 to register for additional associate or baccalaureate degree programs.
21 If an offender serving a life sentence requires vocational education
22 for correctional industry employment as defined and allowed by the
23 department he or she may participate in vocational training;

24 (f) General education development classes, high school education
25 programs, and college courses shall, to the extent possible, be offered
26 in the evening and on weekends. The focus shall be on maintaining work
27 programs on a regular daytime schedule to the extent possible; and

28 (g) All vocational programs must be specifically relevant to the
29 correctional industries jobs offered in the institution to the extent
30 possible in terms of providing prerequisite training and continuing
31 skill development that can be utilized in that particular enterprise or
32 to qualify for employment upon release.

33 (3) The education administrator for the department shall review all
34 vocational training programs annually to insure the programs are
35 relevant to the correctional industries jobs and appropriate.

36 (4) Inmates in protective custody shall be provided educational
37 opportunities consistent with the terms of chapter . . . , Laws of 1995
38 (this act) to the extent possible.

1 (5) The education administrator for the department shall develop an
2 education cost-efficiency plan for the department, consistent with the
3 terms of chapter . . . , Laws of 1995 (this act) that reduces the use of
4 live instructors, and includes distance learning, using interactive
5 satellite instruction, video tapes, computer-aided instruction, and
6 flexible scheduling that permits offenders to proceed at their own
7 pace. The department shall report to the appropriate committees of the
8 legislature by December 12, 1995, on the progress of this education
9 cost-efficiency plan.

10 NEW SECTION. Sec. 3. A new section is added to chapter 72.09 RCW
11 to read as follows:

12 (1) DEFINITIONS. Unless the context clearly requires otherwise,
13 the definitions in this subsection apply throughout this section.

14 (a) "Immediate family" means an inmate's parents, stepparents,
15 grandparents, legally married spouse of the opposite sex of the inmate
16 at the time of conviction, siblings, children, and stepchildren of the
17 inmate.

18 (b) "Child" means the natural or adopted child of both the inmate
19 and spouse, or of the inmate or the spouse. However, if one inmate
20 adopts another inmate, application for extended family visitation based
21 on adoption shall not be approved.

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

26 (d) "Obscene" means material that, when taken as a whole, appeals
27 to prurient interests, and contains patently offensive depictions or
28 descriptions of sexual conduct and, taken as a whole, has no serious
29 literary, artistic, political, or scientific value or that is patently
30 offensive because it affronts contemporary community standards relating
31 to the description or representation of sexual matters or
32 sadomasochistic abuse, and is utterly without redeeming social value.
33 Both offensiveness and an appeal to something other than normal healthy
34 sexual desires are essential elements of obscenity.

35 (e) "Sexually explicit" means depiction of one of the following
36 sexual behaviors:

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

- 1 (ii) Where one of the participants appears to be forceful,
2 threatening, or violent;
- 3 (iii) Where one of the partners is dominating one of the other
4 participants, and one of the individuals is obviously in a submissive
5 role, or one of the participants is degraded, humiliated, or willingly
6 engages in behavior that is degrading or humiliating;
- 7 (iv) Where any bodily excretory function is depicted;
- 8 (v) Where there is actual sexual penetration;
- 9 (vi) One of the participants is a child, or appears to be a child;
- 10 (vii) Bestiality, sadomasochistic behavior, or bondage;
- 11 (viii) Any sexual behaviors deemed by the department to be a threat
12 to legitimate penological objectives.

13 (2) FAMILY VISITATION. The department may implement a family
14 visitation program that allows visiting between eligible inmates and
15 their eligible immediate family member or members for the sole purpose
16 of maintaining and promoting functional and cohesive family
17 relationships. The secretary of the department or his or her designee
18 shall have the ability to approve, deny, suspend, or terminate a family
19 visit. Family visits shall occur no more often than once every thirty
20 days. The maximum time allowed for each family visit shall be forty-
21 eight hours. An inmate shall not be considered eligible for a family
22 visit until after twelve months have elapsed since his or her arrival
23 at the department facility on a current commitment of three years or
24 more, or six months have elapsed if the current commitment is less than
25 three years. Only those offenders who are employed in an available
26 correctional industries work program or are successfully participating
27 in an available department approved educational program may participate
28 in the family visitation program. However, inmates who have mental or
29 physical disabilities or conditions that do not allow them to
30 participate in work or education programs, as determined by the
31 department, shall be exempted from this requirement. All maximum
32 custody inmates, close custody inmates, death row inmates, and inmates
33 housed in disciplinary or administrative segregation or prehearing
34 confinement are excluded from participating in the family visitation
35 program. Only inmates who have not been found guilty of a serious
36 infraction for five years, as defined by the department, shall be
37 eligible for participation in the family visitation program. The
38 department shall establish other eligibility guidelines based on
39 conduct and infractions. The department shall exclude any offender who

1 has been determined by the department to be a danger to himself or
2 herself, visitor or visitors, or the orderly operation of the program,
3 has a prior criminal history of spousal or child abuse, is being
4 treated for a condition that may be adversely affected, or has mental
5 health disorders based on a psychological assessment that indicates the
6 offender could pose a danger to others. The determination to exclude
7 an inmate from participation from the program shall also be based on,
8 but not limited to, the inmate's crime or prior criminal behavior. An
9 inmate with a history of any sex offense involving children shall not
10 be allowed family visitation with children.

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

21 All family visitation shall be conducted within the prison campus.
22 The department shall establish the location, size, and design of family
23 visiting units and develop written regulations and procedures
24 consistent with this chapter that insure the safety of visitors,
25 promote healthy family values, and maintain the penological objectives
26 of the prison.

27 The department shall review all inmates' marriages prior to July 1,
28 1995, and allow them to participate in family visits provided that
29 their behaviors have been determined by the department to be in
30 compliance with the program.

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

33 (3) OBSCENE, SEXUALLY EXPLICIT, EROTIC, AND EXCESSIVELY VIOLENT
34 MATERIAL. All obscene, erotic, sexually explicit, or excessively
35 violent films, video tapes, magazines, books, or computer software
36 shall be prohibited from all department correctional facilities. These
37 materials shall be considered contraband and shall be removed from the
38 inmate's mail, possession, and cells. The department shall be
39 responsible for uniformly establishing which materials are to be

1 considered contraband and removed in accordance with legitimate and
2 justifiable penological interests. This standard shall be uniformly
3 applicable throughout all department prison facilities. The department
4 shall screen all inmate mail and disapprove inmate mail the department
5 determines to be obscene, sexually explicit, erotic, or excessively
6 violent. The only exception for allowing these materials for inmates
7 shall be for their use in treatment or therapy sessions as prescribed
8 by a physician or certified therapist under the direction of the
9 department.

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

26 An inmate is not eligible for individual television privileges
27 unless he or she is working in an available correctional industries job
28 or successfully enrolled in an available department education program.
29 Inmates who have physical or mental disabilities or conditions and
30 other inmates who are exempted from employment may be allowed personal
31 televisions as determined by the department, consistent with this
32 chapter. No inmate may be eligible for individual television
33 privileges until two months have elapsed since their arrival at the
34 department facility on a current commitment.

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

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

1 (5) BODY BUILDING AND WEIGHT LIFTING. Only inmates in good
2 standing with the department and employed in a correctional industries
3 job or successfully participating in available job training or
4 education classes are eligible to weight lift. Inmates who have
5 physical or mental disabilities or conditions, and other inmates who
6 are exempted from employment may be allowed to weight lift. Any inmate
7 found guilty of assaulting a correctional officer or other inmate shall
8 not be eligible for weight lifting.

9 The department shall to the extent possible only provide
10 recreational options that minimize the inmates' ability to
11 substantially increase muscle mass. Dietary supplements made for the
12 sole purpose of increasing muscle mass shall not be available for
13 purchase to inmates unless prescribed by a physician for medical
14 purposes.

15 (6) OFFENDER RECREATIONAL PRIVILEGES. Inmates shall not be allowed
16 to use recreational facilities or recreational equipment for
17 recreational purposes, such as but not limited to, gymnasiums,
18 recreation yards for baseball, softball, volleyball, tennis,
19 pickleball, hockey, soccer, or other group sports activities, and hobby
20 and crafts shops, only if the inmate is employed in an available
21 correctional industries job or successfully participating in an
22 available department of corrections-approved education program. The
23 department shall use inmate welfare funds to pay for all recreational
24 equipment and supplies. All inmates shall be allowed access to
25 appropriate recreational yards or gymnasiums for general personal
26 exercise as directed by the department and in compliance with federal
27 regulations. Inmates who the department have identified as having a
28 physical or mental handicap or conditions that exempt them from
29 employment shall be exempted from the restriction of privileges
30 outlined in this subsection.

31 (7) INDIGENT INMATES AND OFFENDER'S INSTITUTION ACCOUNT. The
32 department shall consider an inmate indigent if the inmate has less
33 than ten dollars of disposable income in his or her offender's
34 institution account for a period of forty days. Provision shall be
35 made for inmates who are transferred between facilities and for the
36 first forty days of incarceration, to account for funds in the
37 offender's institution account. Only indigent inmates shall have
38 essential personal items provided by the department. Essential
39 personal items shall include soap, razors, combs, tooth brushes, tooth

1 paste, sanitary napkins, or other personal items defined by the
2 department in compliance with federal regulations. Inmates shall be
3 required to use the personal item provided by the department in a
4 prudent fashion in accord with the normal use, expected normal wear,
5 and function of the items. Inmates shall not receive more than
6 seventy-five dollars per month in their offender's institution account
7 from outside the prison.

8 **Sec. 4.** RCW 4.24.130 and 1992 c 30 s 1 are each amended to read as
9 follows:

10 Any person desiring a change of his or her name or that of his or
11 her child or ward, may apply therefor to the district court of the
12 judicial district in which he or she resides, by petition setting forth
13 the reasons for such change; thereupon such court in its discretion may
14 order a change of the name and thenceforth the new name shall be in
15 place of the former. Any person committed to a department of
16 corrections facility shall not be granted the order to legally change
17 his or her name under the terms and conditions specified in this
18 section if doing so will interfere with legitimate penological goals.
19 Name changes required for religious reasons or in recognition of
20 marriage shall be allowed, however the department of corrections shall
21 require the inmate to also use his or her committed name while
22 incarcerated in a department of corrections facility.

23 The district court shall collect the fees authorized by RCW
24 36.18.010 for filing and recording a name change order, and transmit
25 the fee and the order to the county auditor. The court may collect a
26 reasonable fee to cover the cost of transmitting the order to the
27 county auditor.

28 **Sec. 5.** RCW 72.10.020 and 1989 c 157 s 3 are each amended to read
29 as follows:

30 (1) The department may develop and implement a health services plan
31 for the delivery of health care services to ((inmates)) offenders in
32 the department's ((custody)) correctional facilities, at the discretion
33 of the secretary, and in conformity with state and federal law.

34 (2) In order to discourage the unwarranted use of health care
35 services, all offenders shall participate in the costs of health care
36 services by paying no less than three dollars per health encounter.
37 Pursuant to the authority granted in chapter 34.05 RCW, the secretary

1 may collect this amount for health care services directly from an
2 offender's institution account.

3 (3) Offenders are required to make copayments for health care
4 services that are offender initiated. Offenders are not required to
5 pay for emergency treatment or for visits initiated by health care
6 staff or treatment of those conditions that constitute a serious health
7 care need.

8 (4) No offender may be refused any health care service because of
9 indigence.

10 (5) Inmates shall be required to purchase all over-the-counter
11 medications at a nominal charge. Over-the-counter medicines shall only
12 be available on an individual unit dose basis as determined by the
13 department and may be distributed through the inmate store.

14 (6) The department shall adopt rules to implement this section.

15 **Sec. 6.** RCW 72.09.111 and 1994 sp.s. c 7 s 534 are each amended to
16 read as follows:

17 (1) The secretary shall deduct from the gross wages or gratuities
18 of each inmate working in correctional industries work programs, taxes
19 and legal financial obligations. The secretary shall develop a formula
20 for the distribution of offender wages and gratuities.

21 (a) The formula shall include the following minimum deductions from
22 class I gross wages and from all others earning at least minimum wage:

23 (i) ~~((Five))~~ Ten percent to the public safety and education account
24 for the purpose of crime victims' compensation;

25 (ii) Ten percent to a department personal inmate savings account;
26 and

27 (iii) Twenty percent to the department to contribute to the cost of
28 incarceration.

29 (b) The formula shall include the following minimum deductions from
30 class II gross gratuities:

31 (i) ~~((Five))~~ Ten percent to the public safety and education account
32 for the purpose of crime victims' compensation;

33 (ii) Ten percent to a department personal inmate savings account;
34 and

35 (iii) Fifteen percent to the department to contribute to the cost
36 of incarceration.

37 (c) The formula shall include the following minimum deduction from
38 class IV gross gratuities:

1 (i) Ten percent to the public safety and education account for the
2 purpose of crime victims' compensation; and

3 (ii) Five percent to the department to contribute to the cost of
4 incarceration.

5 (d) The formula shall include the following minimum deductions from
6 class III gratuities: (~~Five~~) Ten percent to the public safety and
7 education account for the purpose of crime victims' compensation.

8 Any person sentenced to life imprisonment without possibility of
9 release or parole under chapter 10.95 RCW shall be exempt from the
10 requirement under (a)(ii) or (b)(ii) of this subsection.

11 The department personal inmate savings account, together with any
12 accrued interest, shall only be available to an inmate at the time of
13 his or her release from confinement, unless the secretary determines
14 that an emergency exists for the inmate, at which time the funds can be
15 made available to the inmate in an amount determined by the secretary.
16 The management of classes I, II, and IV correctional industries may
17 establish an incentive payment for offender workers based on
18 productivity criteria. This incentive shall be paid separately from
19 the hourly wage/gratuity rate and shall not be subject to the specified
20 deduction for cost of incarceration.

21 In the event that the offender worker's wages or gratuity is
22 subject to garnishment for support enforcement, the crime victims'
23 compensation, savings, and cost of incarceration deductions shall be
24 calculated on the net wages after taxes, legal financial obligations,
25 and garnishment.

26 (2) The department shall explore other methods of recovering a
27 portion of the cost of the inmate's incarceration and for encouraging
28 participation in work programs, including development of incentive
29 programs that offer inmates benefits and amenities paid for only from
30 wages earned while working in a correctional industries work program.

31 (3) The department shall develop the necessary administrative
32 structure to recover inmates' wages and keep records of the amount
33 inmates pay for the costs of incarceration and amenities. All funds
34 deducted from inmate wages under subsection (1) of this section for the
35 purpose of contributions to the cost of incarceration shall be
36 deposited in a dedicated fund with the department and shall be used
37 only for the purpose of enhancing and maintaining correctional
38 industries work programs until December 31, 2000, and thereafter all
39 such funds shall be deposited in the general fund.

1 (4) The expansion of inmate employment in class I and class II
2 correctional industries shall be implemented according to the following
3 schedule:

4 (a) Not later than June 30, 1995, the secretary shall achieve a net
5 increase of at least two hundred in the number of inmates employed in
6 class I or class II correctional industries work programs above the
7 number so employed on June 30, 1994;

8 (b) Not later than June 30, 1996, the secretary shall achieve a net
9 increase of at least four hundred in the number of inmates employed in
10 class I or class II correctional industries work programs above the
11 number so employed on June 30, 1994;

12 (c) Not later than June 30, 1997, the secretary shall achieve a net
13 increase of at least six hundred in the number of inmates employed in
14 class I or class II correctional industries work programs above the
15 number so employed on June 30, 1994;

16 (d) Not later than June 30, 1998, the secretary shall achieve a net
17 increase of at least nine hundred in the number of inmates employed in
18 class I or class II correctional industries work programs above the
19 number so employed on June 30, 1994;

20 (e) Not later than June 30, 1999, the secretary shall achieve a net
21 increase of at least one thousand two hundred in the number of inmates
22 employed in class I or class II correctional industries work programs
23 above the number so employed on June 30, 1994;

24 (f) Not later than June 30, 2000, the secretary shall achieve a net
25 increase of at least one thousand five hundred in the number of inmates
26 employed in class I or class II correctional industries work programs
27 above the number so employed on June 30, 1994.

28 (5) It shall be in the discretion of the secretary to apportion the
29 inmates between class I and class II depending on available contracts
30 and resources.

31 (6) The department shall develop job performance standards for each
32 correctional industries job and remove offenders from the job if his or
33 her job performance does not meet performance standards. Offender
34 employees shall be provided job performance standards prior to being
35 placed in a correctional industries job.

36 **Sec. 7.** RCW 9.94A.137 and 1993 c 338 s 4 are each amended to read
37 as follows:

1 (1)(a) An offender is eligible to be sentenced to a work ethic camp
2 if the offender:

3 (~~(a)~~) (i) Is sentenced to a term of total confinement of not less
4 than (~~twenty-two~~) twenty months or more than thirty-six months;

5 (~~(b)~~) (ii) Is (~~between the ages of~~) eighteen (~~and twenty-~~
6 ~~eight~~) years of age or older; and

7 (~~(c)~~) (iii) Has no current or prior convictions for any sex
8 offenses or for violent offenses.

9 The sentencing court may consider an offender eligible to be
10 sentenced to a work ethic camp if the offender is or has been convicted
11 of manufacturing, delivering, or possessing with intent to manufacture
12 or deliver a controlled substance under RCW 69.50.401 and after a
13 complete review of his or her criminal history has been conducted and
14 approved by the sentencing judge and upon further approval by the
15 department in accordance with all other terms and conditions of this
16 section.

17 (b) The length of the work ethic camp program shall be at least one
18 hundred twenty days and not more than one hundred eighty days. Because
19 of the conversion ratio, earned early release time shall not accrue to
20 offenders who successfully complete the program.

21 (2)(a) An offender is eligible to be sentenced to an illegal alien
22 offender transition camp if the offender:

23 (i) Is sentenced to a term of total confinement of not less than
24 twelve months and a day or more than thirty-six months;

25 (ii) Is eighteen years of age or older; and

26 (iii) Has no current or prior convictions for any sex offenses or
27 violent offenses.

28 The sentencing court shall consider an offender eligible to be
29 sentenced to an illegal alien offender transition camp if the offender
30 is or has been convicted of manufacturing, delivering, or possessing
31 with intent to manufacture or deliver a controlled substance under RCW
32 69.50.401 and after a complete review of his or her criminal history
33 has been conducted and approved by the sentencing judge and upon
34 further approval by the department in accordance with all other terms
35 and conditions of this section.

36 (b) The length of the illegal alien offender transition camp
37 program shall be at least sixty days and not more than one hundred
38 eighty days. Because of the conversion ratio, earned early release

1 time shall not accrue to offenders who successfully complete the
2 program.

3 (3) If the sentencing judge determines that the offender is
4 eligible for the work ethic camp or the illegal alien offender
5 transition camp and is likely to qualify under subsection ((+3+)) (4)
6 of this section, the judge shall impose a sentence within the standard
7 range and may recommend that the offender serve the sentence at a work
8 ethic camp or illegal alien offender transition camp. The sentence
9 shall provide that if the offender successfully completes the program,
10 the department shall convert the period of work ethic camp confinement
11 at the rate of one day of work ethic camp confinement to three days of
12 total standard confinement. The court shall also provide that upon
13 completion of the work ethic camp program, the offender shall be
14 released on community custody for any remaining time of total
15 confinement. The department may identify offenders who are eligible
16 for the work ethic camp or the illegal alien offender transition camp
17 and, with concurrence from the sentencing judge, may refer the offender
18 to the work ethic camp or illegal alien offender transition camp and
19 adjust time served and community custody requirements as prescribed in
20 this section. Offenders who successfully complete the illegal alien
21 offender transition camp shall be classified as inmates on supervised
22 release and immediately turned over to the custody of the immigration
23 and naturalization services to be deported to his or her native
24 country. If this transfer cannot immediately occur, the alien offender
25 released from the illegal alien offender transition camp shall be held
26 by the department until immigration and naturalization services can
27 take custody of the alien offender or for a period of up to ten days
28 after the expected release date. The department shall notify
29 immigration and naturalization services of all illegal alien offenders
30 and request that they begin any deportation proceedings as
31 expeditiously as possible after the date the offender was convicted and
32 secure a hard detainer and a deportation order. The department shall
33 work to obtain the cooperation of the immigration and naturalization
34 judges to hold accelerated hearings for incarcerated criminal aliens as
35 soon as they enter the prison to ensure their immediate removal from
36 the country upon their release by the department.

37 ((+3+)) (4) The department shall place the offender in the work
38 ethic camp or illegal alien offender transition camp program, subject
39 to capacity, unless (a) the department determines that the offender has

1 physical or mental impairments that would prevent participation and
2 completion of the program, (b) the department determines that the
3 offender's custody level prevents placement in the program, or (c) the
4 offender refuses to agree to the terms and conditions of the program.

5 ~~((4))~~ (5) An ~~((inmate))~~ offender who fails to complete the work
6 ethic camp or illegal alien offender transition camp program, who is
7 administratively terminated from the program, or who otherwise violates
8 any conditions of supervision, as defined by the department, shall be
9 reclassified to serve the unexpired term of his or her sentence as
10 ordered by the sentencing judge and shall be subject to all rules
11 relating to earned early release time.

12 ~~((5) The length of the work ethic camp program shall be at least~~
13 ~~one hundred twenty days and not more than one hundred eighty days.~~
14 ~~Because of the conversion ratio, earned early release time shall not~~
15 ~~accrue to offenders who successfully complete the program.))~~

16 (6) During the last two weeks prior to release from the work ethic
17 camp program the department shall provide the nonillegal alien offender
18 with comprehensive transition training.

19 (7) All alien offenders eligible for the illegal alien offender
20 transition camp sentencing option shall be informed by the sentencing
21 court of their possible sentencing options. The alien offender must
22 agree in writing to the terms and conditions of the illegal alien
23 offender transition camp at the time of sentencing. The terms and
24 conditions of the illegal alien offender transition camp shall be
25 provided to the alien offender, both verbally and in writing, in his or
26 her native language. If the alien offender meets all of the
27 eligibility requirements for the illegal alien offender transition camp
28 and agrees in writing to the terms and conditions for participation,
29 the sentencing judge shall consider this sentencing option first.

30 NEW SECTION. Sec. 8. A new section is added to chapter 72.09 RCW
31 to read as follows:

32 The department shall establish an illegal alien offender transition
33 camp. The secretary shall locate the illegal alien offender transition
34 camp within an already existing department compound or facility. The
35 facility selected for the camp shall appropriately accommodate the
36 logistical and cost-effective objectives contained in RCW 72.09.400
37 through 72.09.420, and 9.94A.137. The department shall be ready to
38 assign inmates to the camp one hundred twenty days after July 1, 1995.

1 The department shall establish the illegal alien offender transition
2 camp program cycle to last from sixty to one hundred eighty days. The
3 department shall develop all aspects of the illegal alien offender
4 transition camp program including, but not limited to, program
5 standards, conduct standards, parameters, individual and team work
6 goals, measures to hold the offender accountable for his or her
7 behavior, and the successful completion of the illegal alien offender
8 transition camp program granted to the offender based on successful
9 attendance, participation, and performance as defined by the secretary.
10 The illegal alien offender transition camp shall be designed and
11 implemented so that offenders are engaged in meaningful work activities
12 and unstructured time is kept to a minimum. The standards for work
13 performance, physical work activities, and treatment of offenders'
14 rights and responsibilities shall be equivalent to the work ethic camp
15 for general inmates. The department shall staff the illegal alien
16 offender transition camp with personnel that speak and understand the
17 native language of the majority of the illegal offenders sentenced to
18 the illegal alien offender transition camp. Only illegal aliens who
19 can be released to the immigration and naturalization services for
20 deportation at the time of their release from the camp shall be
21 sentenced to the illegal alien offender transition camp.

22 NEW SECTION. **Sec. 9.** The department of corrections shall provide
23 quarterly reports during the 1995-97 biennium to the appropriate
24 committees of the house of representatives and senate of the
25 department's progress in receiving federal reimbursement for the
26 incarceration costs of undocumented alien felons. The department shall
27 provide the first quarterly report to the legislature on or before July
28 31, 1995. The department of corrections shall seek federal funding for
29 the incarceration of undocumented felons and shall pursue amendments to
30 the federal transfer treaty program to facilitate deportation of
31 undocumented alien offenders to their home countries and specifically
32 seek amendment of treaties which now require voluntary participation of
33 the offender and loss of jurisdiction by the sending agency. The
34 department shall ask the federal government to enforce the federal
35 sanctions for alien reentry that allow alien offenders to have at least
36 two prior felony convictions and at least two prior deportations before
37 indictment for reentry is considered.

1 The department of corrections shall, on behalf of the governor, the
2 house of representatives committee on corrections, and the senate
3 committee on human services and corrections, send a letter with the
4 signature of the governor, speaker of the house of representatives,
5 president of the senate, chairman of the corrections committee of the
6 house of representatives, and chairman of the senate committee on human
7 services and corrections to the president of the United States,
8 president of the United States senate, speaker of the United States
9 house of representatives, and our state's congregational delegation
10 asking for them to recognize the unfair and enormous economic burden
11 created by the failure of the immigration and naturalization service to
12 adequately stem the flow of illegal aliens, and as such, seek funding
13 to fully compensate the state of Washington for the costs associated
14 with incarcerating every alien offender in our jails and prisons or
15 establish by federal decree a mechanism for deporting alien offenders
16 to prisons in their respective countries while maintaining sentencing
17 parity under an arrangement of remuneration established by treaty with
18 the federal government.

19 NEW SECTION. **Sec. 10.** The department of corrections shall review
20 the staffing patterns of all corrections facilities and of the
21 department of corrections headquarters and implement cost-efficiencies
22 by streamlining the eleven levels of management into not more than
23 seven levels and eliminating no less than twenty percent of management
24 staff positions between the salary range of R99 through R46, including,
25 but not limited to, assistant secretaries, assistant to the secretary,
26 superintendents, associate superintendents, corrections managers, and
27 unit supervisors. All other divisions within the department of
28 corrections, excluding correctional industries, shall reduce staff by
29 no less than five percent. All recreational leader positions 2s, 3s,
30 and 4s shall be reduced by sixty percent and the eliminated
31 recreational leader positions shall not be replaced by department of
32 corrections staff or intermittent employees. The supervision of
33 recreational activities shall be conducted by the remaining
34 recreational leaders with the assistance of inmates working in class
35 III correctional industries positions. The secretary of corrections
36 shall implement a system for reducing overtime by fifty percent of what
37 was reported in the 1994 calendar year. The secretary of corrections
38 shall report to the appropriate committees of the legislature quarterly

1 beginning December 15, 1995, and ending in January 8, 1997, on the
2 implementation of reduction of overtime cost- efficiencies. The
3 legislative budget committee shall conduct a staffing ratio study of
4 the department of corrections to assess the implementation of staff
5 reductions mandated in this chapter. The report shall be submitted to
6 appropriate committees of the house of representatives and the senate
7 by December 12, 1995.

8 The legislative budget committee shall also conduct a program audit
9 review of the department of corrections budget process and the
10 department of corrections operating budget request to the governor for
11 the 1995-97 biennium. The audit shall investigate specific budget
12 requests for items and identify if these items could be purchased at a
13 lower cost than what was reported by the department and identify if
14 inmate labor could have reasonably, safely, and effectively been used
15 in the place of the requested item that was to be purchased.

16 **Sec. 11.** RCW 72.09.070 and 1994 sp.s. c 7 s 535 are each amended
17 to read as follows:

18 (1) There is created a correctional industries board of directors
19 which shall have the composition provided in RCW 72.09.080.

20 (2) Consistent with general department of corrections policies and
21 procedures pertaining to the general administration of correctional
22 facilities, the board shall establish and implement policy for
23 correctional industries programs designed to:

24 (a) Offer inmates meaningful employment, work experience, and
25 training in vocations that are specifically designed to reduce
26 recidivism and thereby enhance public safety by providing opportunities
27 for legitimate means of livelihood upon their release from custody;

28 (b) Provide industries which will reduce the tax burden of
29 corrections and save taxpayers money through production of goods and
30 services for sale and use;

31 (c) Operate correctional work programs in an effective and
32 efficient manner which are as similar as possible to those provided by
33 the private sector;

34 (d) Encourage the development of and provide for selection of,
35 contracting for, and supervision of work programs with participating
36 private enterprise firms;

37 (e) Develop and design correctional industries work programs;

1 (f) Invest available funds in correctional industries enterprises
2 and meaningful work programs that minimize the impact on in-state jobs
3 and businesses.

4 (3) The board of directors shall at least annually review the work
5 performance of the director of correctional industries division with
6 the secretary.

7 (4) The director of correctional industries division shall review
8 and evaluate the productivity, funding, and appropriateness of all
9 correctional work programs and report on their effectiveness to the
10 board and to the secretary.

11 (5) The board of directors shall have the authority to identify and
12 establish trade advisory or apprenticeship committees to advise them on
13 correctional industries work programs. The secretary shall appoint the
14 members of the committees.

15 Where a labor management trade advisory and apprenticeship
16 committee has already been established by the department pursuant to
17 RCW 72.62.050 the existing committee shall also advise the board of
18 directors.

19 (6) The board shall develop a strategic yearly marketing plan that
20 shall be consistent with and work towards achieving the goals
21 established in the six-year phased expansion of class I and class II
22 correctional industries established in RCW 72.09.111. This marketing
23 plan shall be presented to the appropriate committees of the
24 legislature by January 17 of each calendar year until the goals set
25 forth in RCW 72.09.111 are achieved.

26 (7) The board shall review the feasibility of implementing the
27 following correctional industries and report to the appropriate
28 committees of the legislature by December 12, 1995, if these industries
29 are, appropriate, feasible, and cost-effective to implement as required
30 under this chapter:

31 (a) Use Airway Heights prison kitchen for an industrial cooks
32 training program for offenders; and

33 (b) Use Airway Heights prison kitchen to prepare kosher meals for
34 corrections facilities inside and outside the state of Washington;

35 (c) Use inmate work crews on any maintenance, construction, or
36 repair of existing adult or juvenile corrections facilities;

37 (d) Establish a refuse recycle program that employs appropriate
38 offenders outside the prison;

1 (e) In coordination with Washington State University implement a
2 juvenile and adult corrections self-sufficiency agriculture program
3 using adult inmate labor and department of corrections land. The board
4 shall instruct the department to officially request an environmental
5 impact waiver from the federal government to make modifications to farm
6 land currently in use at McNeil Island to increase the yield; and

7 (f) Seek housing trust funds under chapter 43.185 RCW and other
8 federal funds, to construct portable migrant farmworker housing using
9 inmate work crews.

10 (8) The board shall review all current and newly recommended
11 vocational education programs to insure that the curriculum corresponds
12 to correctional jobs within the prisons.

13 (9) The board shall review the class I correctional industries
14 program and suggest any incentives to attract additional industries.

15 NEW SECTION. Sec. 12. A new section is added to chapter 72.09 RCW
16 to read as follows:

17 Any construction firm conducting construction on a new adult or
18 juvenile facility authorized by the legislature after January 1, 1995,
19 or for any adult or juvenile facility that will be constructed by the
20 department and available for occupancy after January 1, 1996, or any
21 juvenile or adult corrections facility that will require new
22 construction to increase the bed capacity after January 1, 1996, shall
23 contract with the department of corrections to hire inmates under the
24 custody of the department. Inmate labor shall make up a percentage of
25 the total nonskilled labor staff of the construction project to be
26 determined by the correctional industries advisory board. The
27 department shall be responsible for monitoring all inmates used for
28 inmate work crew construction projects. Serious violent offenders or
29 sex offenders shall not be allowed to work on any construction projects
30 outside the confines of an existing prison facility. The department
31 shall insure that no adult offender is allowed to commingle with a
32 juvenile offender during a construction job using inmate work crews in
33 a juvenile facility. The department shall comply with all federal
34 regulations pertaining to adult offenders conducting legitimate work in
35 juvenile correctional facilities.

36 NEW SECTION. Sec. 13. A new section is added to chapter 72.09 RCW
37 to read as follows:

1 The department shall consider perimeter security options, taking
2 into consideration all available technologies, that do not include
3 perimeter guard towers requiring personnel for all medium and maximum
4 security correctional facilities designed and scheduled for
5 construction by the department after December 12, 1996.

6 **Sec. 14.** RCW 72.10.030 and 1989 c 157 s 4 are each amended to read
7 as follows:

8 (1) Notwithstanding any other provisions of law, the secretary may
9 enter into contracts with health care practitioners, health care
10 facilities, and other entities or agents as may be necessary to provide
11 basic medical care to inmates. The contracts shall not cause the
12 termination of classified employees of the department rendering the
13 services at the time the contract is executed.

14 (2) In contracting for services, the secretary is authorized to
15 provide for indemnification of health care practitioners who cannot
16 obtain professional liability insurance through reasonable effort, from
17 liability on any action, claim, or proceeding instituted against them
18 arising out of the good faith performance or failure of performance of
19 services on behalf of the department. The contracts may provide that
20 for the purposes of chapter 4.92 RCW only, those health care
21 practitioners with whom the department has contracted shall be
22 considered state employees. The legislative budget committee shall
23 contract with a private research company to conduct a review of the
24 corrections medical system and assess the potential cost savings that
25 could be realized by contracting all corrections medical services
26 through a procurement process. The legislative budget committee review
27 shall be submitted to appropriate committees of the legislature by
28 December 12, 1995. If the legislative budget committee review
29 indicates that the state can realize a savings through contracting for
30 corrections medical services, the department may initiate a competitive
31 bidding process for all corrections medical services. The review shall
32 require that any contract for correctional medical services shall
33 include contracted services using employees' wages set at no less than
34 the existing department of corrections salary schedule.

35 NEW SECTION. **Sec. 15.** The legislative budget committee shall,
36 with assistance from the department of transportation, review the
37 department of corrections marine transportation operation and fleet and

1 conduct a cost-efficiency analysis. The analysis shall include a cost
2 analysis of privatizing the operation of the marine fleet or
3 privatizing both the marine fleet and the operation, and a comparison
4 of corrections state employee salaries with equivalent private marine
5 positions salaries. The legislative budget committee shall report
6 their findings to appropriate committees of the legislature by December
7 12, 1995.

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

10 The department shall establish a corrections cost-efficiency and
11 public safety focus group. The focus group shall be composed of one
12 management representative from each correctional facility and one
13 nonmanagement line staff member from each correctional facility to be
14 chosen by a vote taken by the nonmanagement staff, and five members of
15 the community including a prosecutor, a law enforcement officer, a
16 public defender, a prison inmates family member chosen by the public
17 defenders association, and a representative from a victims rights group
18 chosen by the governor. The focus group shall meet quarterly and
19 submit a report to the legislature by December 12 of each year. The
20 report shall contain recommendations on methods for improving the
21 operation of the corrections facilities, design suggestions on
22 efficiencies for new prison construction, identifying specific cost-
23 efficiencies in individual facilities and the corrections system in
24 general, methods for impacting offender recidivism, and making the
25 corrections system safer for employees and the public. The secretary
26 shall provide such staff services, facilities, and equipment, as the
27 focus group shall require to carry out its duties. Members of the
28 cost-efficiency and public safety focus group shall serve on a
29 voluntary basis and shall be reimbursed only for travel expenses and
30 per diem under RCW 43.03.050 and 43.03.060. The focus group shall
31 determine if weight lifting shall be allowed or restricted in
32 department facilities according to the terms and conditions outlined in
33 section 3 of this act.

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

36 (1) There is hereby created a joint committee on cost-efficiencies
37 oversight. The committee shall consist of: (a) Two members of the

1 senate appointed by the president of the senate, one of whom shall be
2 a member of the majority party and one of whom shall be a member of the
3 minority party; and (b) two members of the house of representatives
4 appointed by the speaker of the house of representatives, one of whom
5 shall be a member of the majority party and one of whom shall be a
6 member of the minority party. Members of the committee shall be
7 appointed before the close of each regular session during an odd-
8 numbered year.

9 (2) Each member's term of office shall run from the close of the
10 session in which the member was appointed until the close of the next
11 regular session held in an odd-numbered year. If a successor is not
12 appointed during a session, the member's term shall continue until the
13 member is reappointed or a successor is appointed. The term of office
14 for a committee member who does not continue as a member of the senate
15 or house of representatives shall cease upon the convening of the next
16 session of the legislature during an odd-numbered year after the
17 member's appointment, or upon the member's resignation, whichever is
18 earlier. Vacancies on the committee shall be filled by appointment in
19 the same manner as described in subsection (1) of this section. All
20 such vacancies shall be filled from the same political party and from
21 the same house as the member whose seat was vacated.

22 (3) The committee shall elect a chair and a vice-chair. The chair
23 shall be a member of the senate in even-numbered years and a member of
24 the house of representatives in odd-numbered years.

25 (4) The committee shall have the following powers and duties:

26 (a) Oversee the implementation of chapter . . . , Laws of 1995 (this
27 act) and related chapters of the Revised Code of Washington;

28 (b) Periodically make recommendations to the appropriate committees
29 of the legislature and the governor regarding cost-efficiencies;

30 (c) Oversee the compliance with other specified provisions of
31 chapter . . . , Laws of 1995 (this act);

32 (d) Provide directions to appropriate committee staff to conduct or
33 cause to be conducted appropriate studies and review; and make
34 necessary recommendations to the legislature;

35 (e) Review rules prepared by the department of corrections and
36 department of social and health services where appropriate to ensure
37 consistency with the policies of chapter . . . , Laws of 1995 (this
38 act);

1 (f) Oversee all reports referred to the legislative budget
2 committee; and

3 (g) Oversee the cost-efficiency and public safety oversight group.

4 (5) By December 12, 1996, the committee shall report to the
5 appropriate committees of the legislature on the amount of cost savings
6 realized in the department and report its further recommendation to
7 address expenditure growth in the department of corrections.

8 (6) The joint committee on department of corrections cost-
9 efficiencies oversight shall terminate on January 1, 1998.

10 **Sec. 18.** RCW 43.17.200 and 1983 c 204 s 4 are each amended to read
11 as follows:

12 (1) Except as provided in subsection (2) of this section, all state
13 agencies including all state departments, boards, councils,
14 commissions, and quasi public corporations shall allocate, as a
15 nondeductible item, out of any moneys appropriated for the original
16 construction of any public building, an amount of one-half of one
17 percent of the appropriation to be expended by the Washington state
18 arts commission for the acquisition of works of art created by
19 Washington state artists. The works of art may be placed on public
20 lands, integral to or attached to a public building or structure,
21 detached within or outside a public building or structure, part of a
22 portable exhibition or collection, part of a temporary exhibition, or
23 loaned or exhibited in other public facilities. In addition to the
24 cost of the works of art the one-half of one percent of the
25 appropriation as provided herein shall be used to provide for the
26 administration of the visual arts program by the Washington state arts
27 commission and all costs for installation of the works of art. For the
28 purpose of this section building shall not include highway construction
29 sheds, warehouses, or other buildings of a temporary nature.

30 (2) Subsection (1) of this section shall not apply to the
31 construction of any facility under the control of the department of
32 corrections and used for the incarceration, treatment, or
33 rehabilitation of convicted persons, or any facility under the control
34 of the department of social and health services and used for juvenile
35 rehabilitation.

1 NEW SECTION. **Sec. 19.** This act shall be known as the department
2 of corrections cost-efficiency and inmate responsibility and
3 accountability omnibus act.

4 NEW SECTION. **Sec. 20.** If any provision of this act or its
5 application to any person or circumstance is held invalid, the
6 remainder of the act or the application of the provision to other
7 persons or circumstances is not affected.

8 NEW SECTION. **Sec. 21.** This act is necessary for the immediate
9 preservation of the public peace, health, or safety, or support of the
10 state government and its existing public institutions, and shall take
11 effect immediately.

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