

# SENATE BILL REPORT

## SB 5283

---

As Passed Senate, March 12, 1997

**Title:** An act relating to clarifying deductions from offender funds other than wages and gratuities.

**Brief Description:** Clarifying deductions from offender funds other than wages and gratuities.

**Sponsors:** Senators Hargrove and Long.

**Brief History:**

**Committee Activity:** Human Services & Corrections: 2/4/97, 2/18/97 [DP].  
Passed Senate, 3/12/97, 46-0.

---

### SENATE COMMITTEE ON HUMAN SERVICES & CORRECTIONS

**Majority Report:** Do pass.

Signed by Senators Long, Chair; Zarelli, Vice Chair; Franklin, Hargrove, Kohl, Schow and Stevens.

**Staff:** Andrea McNamara (786-7483)

**Background:** As a result of legislation passed in 1995, the Department of Corrections (DOC) began deducting 35 percent of funds received by inmates from sources outside the institution, effective May 20, 1996.

The deductions include 20 percent for costs of incarceration; 10 percent for mandatory savings to be distributed to offenders upon release; and 5 percent for crime victims compensation.

These deductions are currently the subject of a class action lawsuit in federal district court, where the inmates are challenging the deductions as a violation of their constitutional and federal rights. On December 31, 1996, a United States magistrate judge issued his report and recommendations to the federal court regarding the state's motion to dismiss the lawsuit.

The report recommended dismissing nearly all of the inmates' claims. The magistrate judge, however, identified two issues that may warrant further court review, one of which relates to the possibility that the mandatory deductions may constitute double jeopardy in rare cases.

The report identified a hypothetical situation where an individual inmate may be required to incur "a grossly disproportionate share of the costs of incarceration" if he or she received a large enough amount of outside funds where the 20 percent deductions would exceed the state's actual costs of incarcerating the inmate.

No decision has yet been rendered by the district court.

**Summary of Bill:** The amount of money deducted from inmate funds received from outside sources may not exceed the Department of Corrections' total cost of incarceration for the inmate incurred during the inmate's minimum or actual term of confinement, whichever is longer.

**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Testimony For:** This bill is consistent with a finding by a federal magistrate that the offender deductions should never exceed the actual cost of incarceration.

**Testimony Against:** None.

**Testified:** Jim Blodgett, DOC (pro).