

2 **E2SHB 1143** - S COMM AMD **S2543.1**

3 By Committee on Human Services & Corrections

4 ADOPTED AS AMENDED (FLR 347, 375, 376) 4/13/99

5 Strike everything after the enacting clause and insert the
6 following:

7 "Sec. 1. RCW 72.09.480 and 1998 c 261 s 2 are each amended to read
8 as follows:

9 (1) Unless the context clearly requires otherwise, the definitions
10 in this section apply to this section.

11 (a) "Cost of incarceration" means the cost of providing an inmate
12 with shelter, food, clothing, transportation, supervision, and other
13 services and supplies as may be necessary for the maintenance and
14 support of the inmate while in the custody of the department, based on
15 the average per inmate costs established by the department and the
16 office of financial management.

17 (b) "Minimum term of confinement" means the minimum amount of time
18 an inmate will be confined in the custody of the department,
19 considering the sentence imposed and adjusted for the total potential
20 earned early release time available to the inmate.

21 (c) "Program" means any series of courses or classes necessary to
22 achieve a proficiency standard, certificate, or postsecondary degree.

23 (2) When an inmate, except as provided in subsection (6) of this
24 section, receives any funds in addition to his or her wages or
25 gratuities, the additional funds shall be subject to the deductions in
26 RCW 72.09.111(1)(a) and the priorities established in chapter 72.11
27 RCW.

28 (3) The amount deducted from an inmate's funds under subsection (2)
29 of this section shall not exceed the department's total cost of
30 incarceration for the inmate incurred during the inmate's minimum or
31 actual term of confinement, whichever is longer.

32 (4) The deductions required under subsection (2) of this section
33 shall not apply to funds received by the department on behalf of an
34 offender for payment of one fee-based education or vocational program
35 that is associated with an inmate's work program or a placement

1 decision made by the department under RCW 72.09.460 to prepare an
2 inmate for work upon release.

3 An inmate may, prior to the completion of the fee-based education
4 or vocational program authorized under this subsection, apply to a
5 person designated by the secretary for permission to make a change in
6 his or her program. The secretary, or his or her designee, may approve
7 the application based solely on the following criteria: (a) The inmate
8 has been transferred to another institution by the department for
9 reasons unrelated to education or a change to a higher security
10 classification and the offender's current program is unavailable in the
11 offender's new placement; (b) the inmate entered an academic program as
12 an undeclared major and wishes to declare a major. No inmate may apply
13 for more than one change to his or her major and receive the exemption
14 from deductions specified in this subsection; (c) the educational or
15 vocational institution is terminating the inmate's current program; or
16 (d) the offender's training or education has demonstrated that the
17 current program is not the appropriate program to assist the offender
18 to achieve a placement decision made by the department under RCW
19 72.09.460 to prepare the inmate for work upon release.

20 (5) The deductions required under subsection (2) of this section
21 shall not apply to any money received by the department, on behalf of
22 an inmate, from family or other outside sources for the payment of
23 postage expenses. Money received under this subsection may only be
24 used for the payment of postage expenses and may not be transferred to
25 any other account or purpose. Money that remains unused in the
26 inmate's postage fund at the time of release shall be subject to the
27 deductions outlined in subsection (2) of this section.

28 (6) When an inmate sentenced to life imprisonment without
29 possibility of release or parole, or to death under chapter 10.95 RCW,
30 receives any funds in addition to his or her gratuities, the additional
31 funds shall be subject to: Deductions of five percent to the public
32 safety and education account for the purpose of crime victims'
33 compensation and twenty percent to the department to contribute to the
34 cost of incarceration.

35 (7) The interest earned on an inmate savings account created as a
36 result of the plan in section 4 of this act shall be exempt from the
37 mandatory deductions under this section and RCW 72.09.111.

1 **Sec. 2.** RCW 72.09.111 and 1994 sp.s. c 7 s 534 are each amended to
2 read as follows:

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

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

9 (i) Five percent to the public safety and education account for the
10 purpose of crime victims' compensation;

11 (ii) Ten percent to a department personal inmate savings account;
12 and

13 (iii) Twenty percent to the department to contribute to the cost of
14 incarceration.

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

17 (i) Five percent to the public safety and education account for the
18 purpose of crime victims' compensation;

19 (ii) Ten percent to a department personal inmate savings account;
20 and

21 (iii) Fifteen percent to the department to contribute to the cost
22 of incarceration.

23 (c) The formula shall include the following minimum deduction from
24 class IV gross gratuities: Five percent to the department to
25 contribute to the cost of incarceration.

26 (d) The formula shall include the following minimum deductions from
27 class III gratuities: Five percent for the purpose of crime victims'
28 compensation.

29 Any person sentenced to life imprisonment without possibility of
30 release or parole under chapter 10.95 RCW or sentenced to death shall
31 be exempt from the requirement under (a)(ii) or (b)(ii) of this
32 subsection.

33 The department personal inmate savings account, together with any
34 accrued interest, shall only be available to an inmate at the time of
35 his or her release from confinement, unless the secretary determines
36 that an emergency exists for the inmate, at which time the funds can be
37 made available to the inmate in an amount determined by the secretary.
38 The management of classes I, II, and IV correctional industries may
39 establish an incentive payment for offender workers based on

1 productivity criteria. This incentive shall be paid separately from
2 the hourly wage/gratuity rate and shall not be subject to the specified
3 deduction for cost of incarceration.

4 In the event that the offender worker's wages or gratuity is
5 subject to garnishment for support enforcement, the crime victims'
6 compensation, savings, and cost of incarceration deductions shall be
7 calculated on the net wages after taxes, legal financial obligations,
8 and garnishment.

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

14 (3) The department shall develop the necessary administrative
15 structure to recover inmates' wages and keep records of the amount
16 inmates pay for the costs of incarceration and amenities. All funds
17 deducted from inmate wages under subsection (1) of this section for the
18 purpose of contributions to the cost of incarceration shall be
19 deposited in a dedicated fund with the department and shall be used
20 only for the purpose of enhancing and maintaining correctional
21 industries work programs (~~((until December 31, 2000, and thereafter all
22 such funds shall be deposited in the general fund))~~).

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

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

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

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

38 (d) Not later than June 30, 1998, the secretary shall achieve a net
39 increase of at least nine hundred in the number of inmates employed in

1 class I or class II correctional industries work programs above the
2 number so employed on June 30, 1994;

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

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

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

14 NEW SECTION. **Sec. 3.** A new section is added to chapter 70.48 RCW
15 to read as follows:

16 A governing unit may require that each person who is booked at a
17 city, county, or regional jail pay a fee of ten dollars to the
18 sheriff's department of the county or police chief of the city in which
19 the jail is located. The fee is payable immediately from any money
20 then possessed by the person being booked, or any money deposited with
21 the sheriff's department or city jail administration on the person's
22 behalf. If the person has no funds at the time of booking or during
23 the period of incarceration, the sheriff or police chief may notify the
24 court in the county or city where the charges related to the booking
25 are pending, and may request the assessment of the fee. Unless the
26 person is held on other criminal matters, if the person is not charged,
27 is acquitted, or if all charges are dismissed, the sheriff or police
28 chief shall return the fee to the person at the last known address
29 listed in the booking records.

30 NEW SECTION. **Sec. 4.** The secretary of corrections shall prepare
31 a plan for depositing inmate savings account funds into an interest
32 bearing account. The plan shall assume that the funds shall be
33 deposited into a commingled account for all inmates and that the
34 interest shall be paid in a manner pro rata to the inmate's share of
35 the total deposits. The secretary shall present the plan to the
36 governor and the legislature not later than December 1, 1999. The plan
37 shall minimize the costs of administering the account and the inmates

1 shall receive interest at a rate not less than the passbook savings
2 rate."

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6 On page 1, line 1 of the title, after "funds;" strike the remainder
7 of the title and insert "amending RCW 72.09.480 and 72.09.111; adding
8 a new section to chapter 70.48.RCW; and creating a new section."

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