
SECOND SUBSTITUTE HOUSE BILL 1260

State of Washington

57th Legislature

2002 Regular Session

By House Committee on Criminal Justice & Corrections (originally sponsored by Representatives Lovick, Ballasiotes, O'Brien, Kagi and Haigh)

Read first time 01/16/2002. Referred to Committee on .

1 AN ACT Relating to postsecondary courses for inmates; amending RCW
2 72.09.480; and creating a new section.

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

4 NEW SECTION. **Sec. 1.** The department of corrections shall
5 implement and obtain through a request for proposal process, a pilot
6 postsecondary educational program for inmates.

7 (1) The secretary shall ensure that the request for proposal is
8 offered to community and four-year colleges to provide postsecondary
9 educational courses for inmates on a self-pay system.

10 (2) Inmates shall pay all costs and tuition for participation in
11 the postsecondary courses.

12 (3) The secretary shall select for the pilot program one
13 institution for males and one institution for females.

14 (4) The secretary shall ensure that the pilot program addresses all
15 modes of instruction, including distance learning and other
16 technologies.

17 (5) Inmates may use their own funds and funds deducted by the
18 department under RCW 72.09.111 from their personal inmate savings

1 account for the sole purposes of their postsecondary educational
2 classes.

3 (6) The department shall provide any necessary space and
4 administrative support if the college or university provides the
5 postsecondary educational classes.

6 (7) The department shall administer the pilot postsecondary
7 educational program for one year.

8 (8) The department shall prepare and submit a report to the
9 legislature, not later than January 2, 2003, including recommendations
10 regarding whether the pilot postsecondary educational program should be
11 extended and stating the number of inmates who participated in the
12 program.

13 **Sec. 2.** RCW 72.09.480 and 1999 c 325 s 1 are each amended to read
14 as follows:

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

17 (a) "Cost of incarceration" means the cost of providing an inmate
18 with shelter, food, clothing, transportation, supervision, and other
19 services and supplies as may be necessary for the maintenance and
20 support of the inmate while in the custody of the department, based on
21 the average per inmate costs established by the department and the
22 office of financial management.

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

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

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

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

1 (4) The deductions required under subsection (2) of this section
2 shall not apply to funds received by the department on behalf of an
3 offender for payment of ~~((one))~~ fee-based education or vocational
4 programs or related educational materials that ~~((is))~~ are associated
5 with an inmate's work program or a placement decision made by the
6 department under RCW 72.09.460 to prepare an inmate for work upon
7 release. Any funds received by the department on behalf of an
8 offender's education that are requested by that offender to be used for
9 purposes other than education or vocational programming are subject to
10 the deductions in subsection (2) of this section.

11 An inmate may, prior to the completion of the fee-based education
12 or vocational program authorized under this subsection, apply to a
13 person designated by the secretary for permission to make a change in
14 his or her program. The secretary, or his or her designee, may approve
15 the application based solely on the following criteria: (a) The inmate
16 has been transferred to another institution by the department for
17 reasons unrelated to education or a change to a higher security
18 classification and the offender's current program is unavailable in the
19 offender's new placement; (b) the inmate entered an academic program as
20 an undeclared major and wishes to declare a major. No inmate may apply
21 for more than one change to his or her major and receive the exemption
22 from deductions specified in this subsection; (c) the educational or
23 vocational institution is terminating the inmate's current program; or
24 (d) the offender's training or education has demonstrated that the
25 current program is not the appropriate program to assist the offender
26 to achieve a placement decision made by the department under RCW
27 72.09.460 to prepare the inmate for work upon release.

28 (5) The deductions required under subsection (2) of this section
29 shall not apply to any money received by the department, on behalf of
30 an inmate, from family or other outside sources for the payment of
31 postage expenses. Money received under this subsection may only be
32 used for the payment of postage expenses and may not be transferred to
33 any other account or purpose. Money that remains unused in the
34 inmate's postage fund at the time of release shall be subject to the
35 deductions outlined in subsection (2) of this section.

36 (6) When an inmate sentenced to life imprisonment without
37 possibility of release or parole, or to death under chapter 10.95 RCW,
38 receives any funds in addition to his or her gratuities, the additional
39 funds shall be subject to: Deductions of five percent to the public

1 safety and education account for the purpose of crime victims'
2 compensation and twenty percent to the department to contribute to the
3 cost of incarceration.

4 (7) The interest earned on an inmate savings account created as a
5 result of the plan in section 4, chapter 325, Laws of 1999 shall be
6 exempt from the mandatory deductions under this section and RCW
7 72.09.111.

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