

# SENATE BILL REPORT

## EHB 1248

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As of March 15, 2017

**Title:** An act relating to correcting a conflict between state and federal law regarding class I correctional industries work programs.

**Brief Description:** Correcting a conflict between state and federal law regarding class I correctional industries work programs.

**Sponsors:** Representatives Griffey, Appleton, Goodman, Klippert, Holy and Hayes; by request of Department of Corrections.

**Brief History:** Passed House: 3/03/17, 94-3.

**Committee Activity:** Law & Justice: 3/14/17.

### Brief Summary of Bill

- Requires the Department of Corrections to make statutorily identified deductions from an inmate's wages, rather than an inmate's gross wages.
- Amends the schedule of deductions from Class I Correctional Industries wages to be a maximum allowable deduction schedule, rather than a minimum deduction schedule.

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### SENATE COMMITTEE ON LAW & JUSTICE

**Staff:** Shani Bauer (786-7468)

**Background:** The Department of Corrections (DOC) provides inmate work programs through its Correctional Industries Division. There are five classes of correctional industries work programs. All inmates working in Class I-IV employment receive financial compensation for their work. Class V jobs are court ordered community work that is performed for the benefit of the community without financial compensation.

DOC is certified by the federal Bureau of Justice Assistance (BJA) to administer Prison Industry Enhancement Certification Programs. In Washington, these are called Class I, "free venture", industries and allow private sector companies to operate within state correctional facilities to produce goods or services for sale to the public or private sector. Inmates must

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be paid wages comparable to the wage for work of a similar nature in the locality in which the industry is located.

The DOC is required to deduct taxes and legal financial obligations from the gross wages inmates earn while working in Correctional Industries employment. Deductions follow a statutory formula and must not reduce an inmate account below an indigency level of less than \$10 of disposable income. The minimum deductions from Class I gross wages and all other income of inmates earning at least minimum wage are:

- 5 percent to crime victims' compensation;
- 10 percent to a department personal inmate savings account;
- 20 percent to the DOC to contribute to the cost of incarceration;
- 20 percent for payment of legal financial obligations; and
- 20 percent for payment of any civil judgment for assault.

Under BJA regulations, deductions may be made from inmate gross wages for specified purposes, including taxes, reasonable charges for room and board, family support, and victims' compensation. These deductions cannot total more than 80 percent of gross wages.

**Summary of Bill:** The DOC must deduct taxes, legal financial obligations, and other statutorily identified deductions from an inmate's wages, rather than an inmate's gross wages. The schedule of deductions from Class I wages and income from other inmates earning at least minimum wage is changed from a minimum deduction schedule to a maximum allowable deduction schedule.

Wages is defined as monetary compensation due to an offender worker by reason of the offender's participation in a Class I work program, subject to allowable deductions.

**Appropriation:** None.

**Fiscal Note:** Available.

**Creates Committee/Commission/Task Force that includes Legislative members:** No.

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

**Staff Summary of Public Testimony:** PRO: Correctional industries reduces recidivism by providing inmates with marketable skills. This bill will allow DOC to participate in Class I industries by bringing WA law into line with federal statute.

**Persons Testifying:** PRO: Representative Dan Griffey; Danielle Armbruster, Department of Corrections.

**Persons Signed In To Testify But Not Testifying:** No one.