

**SB 5131** - H COMM AMD  
By Committee on Appropriations

**NOT ADOPTED 04/06/2023**

1 Strike everything after the enacting clause and insert the  
2 following:

3 **"Sec. 1.** RCW 72.09.480 and 2015 c 238 s 1 are each amended to  
4 read as follows:

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

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

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

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

19 (2) When an inmate, except as provided in subsections (4) (~~and~~  
20 ~~(8)~~) through (10) of this section, receives any funds in addition to  
21 his or her wages or gratuities, except settlements or awards  
22 resulting from legal action, the additional funds shall be subject to  
23 the following deductions and the priorities established in chapter  
24 72.11 RCW:

25 (a) Five percent to the crime victims' compensation account  
26 provided in RCW 7.68.045;

27 (b) Ten percent to a department personal inmate savings account;

28 (c) Twenty percent for payment of legal financial obligations for  
29 all inmates who have legal financial obligations owing in any  
30 Washington state superior court;

31 (d) Twenty percent for any child support owed under a support  
32 order;

1 (e) Twenty percent to the department to contribute to the cost of  
2 incarceration; and

3 (f) Twenty percent for payment of any civil judgment for assault  
4 for all inmates who are subject to a civil judgment for assault in  
5 any Washington state court or federal court.

6 (3) When an inmate, except as provided in subsection (~~((9))~~) (10)  
7 of this section, receives any funds from a settlement or award  
8 resulting from a legal action, the additional funds shall be subject  
9 to the deductions in RCW 72.09.111(1)(a) and the priorities  
10 established in chapter 72.11 RCW.

11 (4) When an inmate who is subject to a child support order  
12 receives funds from an inheritance, the deduction required under  
13 subsection (2)(e) and (f) of this section shall only apply after the  
14 child support obligation has been paid in full.

15 (5) The amount deducted from an inmate's funds under subsection  
16 (2) of this section shall not exceed the department's total cost of  
17 incarceration for the inmate incurred during the inmate's minimum or  
18 actual term of confinement, whichever is longer.

19 (6)(a) The deductions required under subsection (2) of this  
20 section shall not apply to funds received by the department from an  
21 offender or from a third party on behalf of an offender for payment  
22 of education or vocational programs or postsecondary education degree  
23 programs as provided in RCW 72.09.460 and 72.09.465.

24 (b) The deductions required under subsection (2) of this section  
25 shall not apply to funds received by the department from a third  
26 party, including but not limited to a nonprofit entity on behalf of  
27 the department's education, vocation, or postsecondary education  
28 degree programs.

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

37 (8) The deductions required under subsection (2) of this section  
38 do not apply to any money received by the department on behalf of an  
39 inmate from family or other outside sources for the payment of  
40 certain medical expenses. Money received under this subsection may

1 only be used for the payment of medical expenses associated with the  
2 purchase of eyeglasses, over-the-counter medications, and offender  
3 copayments. Funds received specifically for these purposes may not be  
4 transferred to any other account or purpose. Money that remains  
5 unused in the inmate's medical fund at the time of release is subject  
6 to deductions under subsection (2) of this section.

7 (9) The deductions required under subsection (2) of this section  
8 do not apply to any money received by the department on behalf of an  
9 inmate from family or other outside sources for the purchase of  
10 commissary items. Money received under this subsection may only be  
11 used for the purchase of items on the facility commissary list. The  
12 amount received by each inmate under this subsection may not exceed  
13 the monthly allowance for commissary purchases as allowed by the  
14 department. Funds received specifically for these purposes may not be  
15 transferred to any other fund, account, or purpose. Money that  
16 remains unused in the inmate's commissary fund at the time of release  
17 is subject to deductions under subsection (2) of this section.

18 (10) Inmates sentenced to life imprisonment without possibility  
19 of release or sentenced to death under chapter 10.95 RCW receives  
20 funds, deductions are required under subsection (2) of this section,  
21 with the exception of a personal inmate savings account under  
22 subsection (2)(b) of this section.

23 ~~((10))~~ (11) The secretary of the department of corrections, or  
24 his or her designee, may exempt an inmate from a personal inmate  
25 savings account under subsection (2)(b) of this section if the  
26 inmate's earliest release date is beyond the inmate's life  
27 expectancy.

28 ~~((11))~~ (12) The interest earned on an inmate savings account  
29 created as a result of the plan in section 4, chapter 325, Laws of  
30 1999 shall be exempt from the mandatory deductions under this section  
31 and RCW 72.09.111.

32 ~~((12))~~ (13) Nothing in this section shall limit the authority  
33 of the department of social and health services division of child  
34 support, the county clerk, or a restitution recipient from taking  
35 collection action against an inmate's moneys, assets, or property  
36 pursuant to chapter 9.94A, 26.23, 74.20, or 74.20A RCW including, but  
37 not limited to, the collection of moneys received by the inmate from  
38 settlements or awards resulting from legal action.

1        NEW SECTION.    **Sec. 2.**    A new section is added to chapter 72.09  
2    RCW to read as follows:

3        The department shall allow any person who is an immediate family  
4    member of one or more inmates to send money for commissary purchases  
5    to such inmates without requiring approval from the superintendent of  
6    the applicable facility or facilities."

7        Correct the title.

EFFECT: Requires the department of corrections to allow an  
immediate family member of one or more inmates to send money for  
commissary purchases to such inmates without approval from the  
superintendent of the applicable facility or facilities.

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